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New York

President:	Mr. Mehdiyev	(Azerbaijan)
Members:	China	Mr. Wang Min
	Colombia	Mr. Osorio
	France	Mr. Araud
	Germany	Mr. Wittig
	Guatemala	Mr. Rosenthal
	India	Mr. Manjeev Singh Puri
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Mashabane
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

The situation in Somalia

Report of the Secretary-General on Somalia (S/2012/283)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General on Somalia (S/2012/283)

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Somalia to participate in this meeting.

I request the Protocol Officer to escort His Excellency Mr. Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of the Somali Republic, to his seat at the Council table.

Mr. Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of the Somali Republic, was escorted to a seat at the Council table.

The President: On behalf of the Council, I welcome His Excellency President Ahmed.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Augustine Mahiga, Special Representative of the Secretary-General and Head of the United Nations Political Office for Somalia, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2012/283, which contains the report of the Secretary-General on Somalia.

I now give the floor to His Excellency Mr. Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of the Somali Republic.

President Ahmed (*spoke in Arabic*): I would like to start my statement by extending my thanks to the Security Council and by expressing our appreciation to it for its continued and vital support to achieving peace in Somalia. The visits by Council members to Djibouti in June 2008 and to Nairobi in May 2011 to look into and investigate the distressing events taking place in Somalia and efforts to bring about peace, as well as the relevant resolutions adopted by the Council on the same topic, clearly demonstrated the Council's determination to resolve the Somali issue. All those endeavours reflect its good intentions and the pressing desire to restore security and stability in Somalia and to put an end to the suffering experienced by its people for nearly two decades.

My thanks and appreciation also go to United Nations Members, to Secretary-General Ban Ki-moon — who, at international forums, underscores the importance of restoring security and stability in Somalia — and to the African Union (AU) countries that fully support the Somali Government and people. I would also like to thank the Intergovernmental Authority on Development (IGAD), which has issued resolute and successful decisions on the Somali issue. IGAD sent the finest young men to Somalia to stand by our people and to protect innocent Somali citizens, as well as our independence, freedoms, fundamental rights and honour, which were being violated by the advocates of war, looting and chaos. Its courageous decisions brought about the expulsion of Al-Qaida and Al-Shabaab from many areas that are now calm and stable after our Government received the support of AU forces, backed by the international community. I would be remiss if I did not thank all States and international and regional organizations that have contributed to alleviating the suffering of our citizens, who were in dire need of assistance in past years.

Owing to the disorder and instability prevailing in the country, the terrorist movements of Al-Shabaab and Al-Qaida took the opportunity to launch a merciless war against the Somali people and committed crimes and atrocities in the name of jihad, under the guise of religion, which is completely opposed to such atrocities. That forced Somalis to emigrate and live in camps in neighbouring and other countries, or to become internally displaced persons. Our people placed their hope in their Government and the international community, in anticipation of a new dawn of security and safety emerging.

Our people, who suffered the worst acts of violence and frequent crises, did not yield to the violence and oppression, but continued to seek a peaceful solution that was satisfactory to all. It strove for the formation of a national unity Government in order to lead the country to the security and stability it deserves and to unite all sectors of Somali society, without isolating any party from the other national groups. Priority was given to a total of 15 reconciliation conferences held in neighbouring countries, culminating in the fourth Djibouti Peace Conference in 2009. That

gave rise to the formation of this Government in order to achieve lasting peace and prosperity, as well as the well-being and comprehensive development of its citizens.

The Government of the Somali Republic, which receives the support and assistance of the international community, has withstood the blows of its opponents among Al-Qaida, Al-Shabaab and international terrorists. It has succeeded in expelling them from most of the country and has regained control in many regions. Today, it administers its own affairs and engages in reconstruction. It has returned the smile to the faces of Somali children, exhausted by war and constant sedition, having expelled those who sowed the seeds of discord and internal disputes.

The Transitional Federal Government appreciates the importance of the transition to normalcy through the implementation of the policies set down in the road map, outlining the development of a permanent constitution for the country and its ratification by clan leaders, intellectuals, members of the diaspora, social organizations for young women, and community members entitled to participate in its ratification. The draft constitution is the result of eight years of painstaking efforts sustained by Somali and international experts to draft its provisions and study its contents, with the aim of making it a comprehensive text that takes the interests of Somalia into account and responds to its requirements and current situation.

The new draft constitution is not the result of happenstance or emotion, but has emerged from the aspirations of the Somalis, who continue to await the end of the transitional system and a return to the regular system of governance. We hope and believe that the constitution is one of the best in the world in form and substance. It is the outcome of the deliberations of Somali scientists and specialists, supervised by committees of the clergy and senior citizens. I assure the Council that the draft constitution is responsive to the interests of the Somali people and in line with Islamic principles, traditions, systems and norms. Following its approval by the Constituent Assembly, the draft will be reviewed and subsequently voted on.

I left Mogadishu as the leaders of Somali clans continued to meet with a view to selecting 825 representatives who are trusted by all the Somali clans to ratify the draft constitution of the Somali Republic. Today, after all these efforts, we commit ourselves before the international community and affirm that we mean to pave the way for the selection of a national parliament representing all sectors of Somali society, including the clergy, youth, women and children. The parliament must be ready to choose a new president in order to form a Government of national unity composed of qualified men and women able to manage the key components of the State with competence and wisdom, distributing our national resources equally to all members of society on the basis of the legislative, executive and judicial powers of the State.

In addition to the steps we have already taken, we would like to assure Council members once again that the process of reconciliation through negotiation has begun between the Government and the people of the north in order to reach an agreement ending the dispute with our brothers who have sought to secede unilaterally. We will pursue these efforts until the waters are calm and national cohesion is restored, returning the situation in Somalia to what it once was. The management of the country will be in the hands of the Somali people in a democratic society where everyone is equal and no one is marginalized.

We draw the Council's attention to the fact that we are on the threshold of a new phase. We have come a long way in the implementation of the road map. We need the international community to redouble its efforts to assist us in completing the current stage on time so as not to open an opportunity for the return of anarchy and terrorism, to safeguard the achievements made to date, and to justify the money that has been spent and the blood shed to get where we are.

My country, which suffered a long period of chaos and instability after the collapse of the constitutional institutions and administrative services, needs today to make further efforts to revive its institutions so that they may perform their vital functions and serve the people of Somalia. I believe that the current stage is conducive to the re-establishment of these institutions and that the conditions exist to justify these efforts following the defeat of Al-Qaida in Somalia and given the growing international interest in developing our institutions as well as the readiness of our people to participate in making these institutions perform the desired functions.

The next stage will require us to create the appropriate climate for this work. It is essential that Somalia be stable, safe and free of chaos and violence if it is to rebuild its infrastructure and Government institutions and to select Government officials and administrators to manage the various governorates and the training of cadres capable of managing the Government bodies, business services, hospitals and schools, and of undertaking other tasks necessary to serve the members of the Somali people. We therefore expect the Security Council to support us in the following tasks.

We must politically and economically strengthen the work of the Constituent Assembly assigned to ratify the new constitution by providing the financial means necessary for the success of its work. In this task, we have received none of the anticipated international assistance.

We must promote reconciliation conferences to preserve the national unity of Somalia and comprehensive peace throughout Somali territory.

We must take a firm stand against those who would hinder the achievement of peace in Somalia, including those destructive individuals who would fish in troubled waters and act to return the country to the years of loss and fighting.

We must support the building of a Somali army capable of protecting the homeland and its independence and territorial integrity.

We must strengthen national security and train the police forces and national intelligence officers, arming them with up-to-date security equipment and qualifying them to undertake the responsibilities entrusted to them.

We must develop a comprehensive plan to address the terrorist movements that are stepping up their activities in Somalia. These movements will be difficult to eradicate from the region unless concerted international efforts are made to address them.

Without effective security forces able to impose law and order and to act as a powerful deterrent to criminals and aggressors of the innocent and defenceless, it will not be possible to protect fundamental freedoms and human rights in a country rampant with gangs of pirates and terrorist movements that are killing innocent citizens and imposing ransom and royalties on commercial ships crossing international waters. That will not be possible unless the Council allows the Somali Government to import the necessary weapons for the security services and lift the arms embargo that has been imposed on it.

Further, international bodies and organizations and the international community in general should be invited to contribute to reconstruction in Somalia and to work to reactivate economic institutions and services in the country.

Continued support for the forces of the African Union Mission in Somalia should include an increase in their numbers and military assets in order to improve their combat efficiency and enable them to address the Al-Shabaab terrorist movement, which recently announced its complete merger with Al-Qaida.

Financial support should be provided to local administrations that have been established in areas newly liberated from Al-Qaida.

Current members of Parliament should receive their allowances and salaries to compensate them for the service they have provided to the nation during their term of office. They should not be exposed to the risk of neglect and oblivion.

The foregoing is a mere drop in a sea of turbulent waves and represents only a small part of the larger task that the Somali people face at this critical transitional juncture. We believe that the Council is well aware of the deteriorating situation in our country, and of its own responsibility for protecting the Somali people and their fundamental freedoms.

I hope that I am not being overly optimistic in saying that the Somali people, who are an integral part of human society, believe that the international community will not leave them bleeding and that the eyes of the world are upon them, in particular following the recent London Conference, which was attended by representatives of 55 countries, with a positive outcome that showed genuine sympathy with the Somali people.

The British Government led by David Cameron deserves our thanks and appreciation for organizing and managing the Conference. We hope that it will pursue its efforts to bring peace to Somalia, and we extend our thanks and appreciation to all States, international and regional organizations and personalities who attended the Conference. We urge them to maintain their commitment to achieving peace

in Somalia and to attend the conference to be held in Turkey next month.

The international community, through its international and regional organizations, played an effective role in the delivery of aid and humanitarian assistance to those affected by famine and drought in Somalia last year. Before concluding, I would therefore like to invite all States and countries that pledged contributions to alleviate the burden on the Somali people, who are in dire need of assistance, to fulfil their pledges. I thank them for their commitment and for the assistance they extended to us during the crisis. We hope that the outstanding aid and assistance will be forthcoming, along with continued support to enable those in need to resume their activities and a standard of living appropriate to people living in the twenty-first century. I also hope that they will help us to rebuild our damaged infrastructure and to restore all the services our citizens need.

In conclusion, I would like to extend all thanks and appreciation to the members of the Council and to wish them success.

The President: I thank President Ahmed for his statement.

I give the floor to Mr. Mahiga.

Mr. Mahiga: I thank you, Mr. President, for giving me this opportunity to present the latest report of the Secretary-General (S/2012/283) and to provide the Council with additional briefing on Somali. I thank the Council for its continued support to me and to the United Nations Political Office for Somalia. I also recognize the presence of His Excellency Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government (TFG) of the Somali Republic, who has just addressed the Council. His presence here today is an expression of his commitment to partnering with the international community to end the transition. I also wish to thank the President and the Transitional Federal Government of Somalia for the excellent working relations we enjoy in Mogadishu in our working with the Transitional Federal Institutions.

We are entering the most critical stage in ending the transition in Somalia by August. We have made considerable advances in preparing for that end state. We have taken significant steps in the constitution-making process for Somalia, as required by both the Mbagathi and Djibouti agreements. The draft constitution will be submitted to the principals, pending its submission to a national Constituent Assembly for provisional adoption later this month. That is essential for ending the transition and sets the stage for further deliberation on the document in the post-August period.

To that end, we have brought together in Mogadishu a group of 135 traditional elders who are currently engaged in selecting 825 members of the national Constituent Assembly, in line with the traditional system of 4.5 clan representation. In the absence of direct elections now, the traditional elders are the basis of legitimacy for the Constituent Assembly.

The elders, who have been brought from all over Somalia, including the newly recovered areas, are a symbol of national unity and of the commitment to ending the transition. Furthermore, the elders will dissolve the current Parliament and proceed to select members of a new, leaner Parliament on more merit-based criteria. The new Parliament will proceed to give us a new political leadership in July and a new Government in August.

Since their arrival in Mogadishu, the elders have engaged in a self-validation exercise on their authentic origins and representativeness. The principal signatories will meet later this week to appoint a technical selection committee to manage the Constituent Assembly and other issues related to the provisional adoption of the draft constitution and the selection of the new Parliament.

Those processes constitute one of the pillars of the road map that will continue beyond August. The inclusion of areas newly recovered from Al-Shabaab insurgents remains a top priority in political outreach and reconciliation as the Transitional Federal Government continues to bring more territory under its control beyond Mogadishu. Through the allied militias, supported by an expanded African Union Mission in Somalia (AMISOM) and the engagement of Ethiopia, the insurgents are retreating and fast losing control of swathes of territory.

The new territories bring with them a new population under Government control. However, Al-Shabaab's retreat is creating new challenges.

Retreating insurgents are spilling over into the relatively stable regional states of Puntland and

Somaliland from south-central Somalia. There is also an increase in asymmetrical warfare behind AMISOM lines in Mogadishu and other recovered areas. Therefore, as Al-Shabaab retreats, the TFG must be assisted in carrying out the following functions: establishing local administration, which would include previously elected leaders who were displaced by the insurgents; establishing political and administrative authority at the local level; and consolidating security through local security committees. The recovery of new territory must be accompanied by the provision of basic social services, including the rule of law and other social infrastructure, as well as economic services, as part of a peace dividend package.

Efforts to strengthen outreach and reconciliation with the regional and emerging administrations continue. In that regard, both the Transitional Federal Government and Somaliland have appointed committees through which the two entities will engage in dialogue on the future of Somalia, as called for at the London Conference in February. The two stakeholders are committed to dialogue and have sought my good offices to keep the dialogue alive as we work out the modalities, including the agenda and timing for the discussions.

AMISOM, for its part, is now on a more secure and predictable funding footing, following the adoption and implementation of resolution 2036 (2012). That should enable the force to project itself with greater effectiveness in the three new sectors of its operations. I would like to express my appreciation to the international community for the generous contributions it continues to make to AMISOM. In particular, I would like to mention the support of the European Union, which covers the allowances of AMISOM civilian and military personnel. The United States of America has also made significant contributions of equipment and supplies to AMISOM. I would also like to commend the United Kingdom, Japan and other donors that have provided generous financial contributions to the United Nations Trust Fund in Support of AMISOM. Since the maintenance of international peace and security is a collective responsibility, I encourage other Member States to join those traditional supporters in their commendable efforts to support AMISOM.

At the meeting of the Joint Security Committee held in Mogadishu on 7 and 8 May, the participants agreed on more coordinated formation of Somali forces and stressed the importance of integrating the Transitional Federal Government's allied forces under a unified command. They also agreed, among other things, on the importance of the National Security and Stabilization Plan being put in place as an exit strategy for AMISOM and on the need for greater coordination and cooperation in dealing with disengaged former combatants — or defectors, as they are sometimes called.

I thank the Government of Japan for its comprehensive assistance in building the TFG police force. The security sector development of the TFG also needs greater focus on developing the justice and corrections system, to strengthen rule-of-law institutions.

There is progress in the area of promoting human rights, and resources are needed in that area, including in the protection of children and of human rights defenders and journalists.

The humanitarian situation remains fragile in Somalia. While a rapid scale-up in aid was effective in ending famine conditions in the country, the gains are very fragile and can easily be reversed without continued assistance.

In our continued efforts to address the problem of piracy, we held a ministerial-level meeting in London on 12 May, at which the Djibouti Code of Conduct was addressed, in accordance with article 13 of the Code. There have also been significant efforts, following the London Conference communiqué, in evolving a comprehensive strategy against piracy, as an emerging challenge that needs to be addressed both on land and at sea. However, the fundamental issue in dealing with piracy remains the establishment of the rule of law in Somalia.

We face a number of challenges in our efforts to complete the implementation of the road map, including tight timelines and the unavailability of resources. However, in the absence of the requisite resources, and of financial, logistic and human requirements, we can accomplish only so much. The lack of funding for implementing the road map in the remaining three months is of serious concern to all of us, including the TFG, as President Ahmed has just expressed.

Finally, allow me to raise the issue of the threat posed to the peace process by spoiler behaviour in

Somalia and beyond the region. We must deal with those elements before they succeed in undermining the peace process. The spoilers feel that the end of the transition will jeopardize their privileged positions and standing in Somalia. They are therefore employing various methods to obstruct and reverse the gains made in the implementation of the road map. On 1 May, in the spirit of collaboration, UNPOS, the Intergovernmental Authority on Development (IGAD) and AMISOM issued a warning to all potential spoilers that non-compliance with or active obstruction of the road map will be followed by the naming and shaming of individuals. People named could subsequently be referred to the IGAD Council of Ministers, along with our recommendations for the immediate imposition of specific measures and restrictions, such as regional travel bans on some individuals. The effectiveness of such measures will of course be greatly enhanced if they are supported by the authority of the Security Council.

As Somalia faces the greatest opportunity to end the transition, after so much investment by the international community, we must complete the tasks at hand. We must provide timely logistical and financial support to enable us to complete the implementation of the road map before August, with strengthened international cooperation and coordination. In that regard, we welcome the initiative of the Government of Turkey to partner with the United Nations in convening the international conference in Istanbul early next month. The conference will add momentum and focus attention on the road map to end the transition. It will also define elements of the post-August strategy and strengthen Somali ownership of the process, in partnership with the regional and international stakeholders. We look forward to that conference.

The President: I thank Mr. Mahiga for his briefing.

I shall now give the floor to the members of the Security Council.

Mr. Parham (United Kingdom): I am very grateful to you, Mr. President, for the opportunity to discuss Somalia at such an important time, to the Secretary-General for his latest report (S/2012/283) and to his Special Representative Augustine Mahiga for the briefing he has just given us. We greatly appreciate the Special Representative's work and the efforts of his team and all the United Nations agencies active in Somalia. I would also like to thank the President of Somalia for being with us here today and for his contribution to this debate.

I would like to address two key issues — the political process, and security in Somalia. First, our number-one priority now must be the political process. There are only three months to go until the end of the transition. It is imperative that we increase the momentum, to ensure that the national Constituent Assembly is convened as soon as possible, in a way that is open and representative. The ultimate responsibility for delivering the end of the transition lies with the Somali leaders, but we, the international community, must continue to provide the necessary support. The United Kingdom is providing £1 million to the United Nations to support the process, as well as technical support staff. We call on others to provide support in line with the needs identified by the United Nations.

We must also support the process politically, providing incentives to progress and being prepared to take action against any who seek to block or undermine the process. I welcome the letter from the United Nations, the African Union (AU) and the Intergovernmental Authority on Development, addressing potential spoilers. I reaffirm the United Kingdom's commitment to taking action against those who seek to spoil the process, including any attempt to fix the selection of members of the Constituent Assembly.

There are increasing reports within Somalia that the public is not content with the process. I want to be clear that disagreement with the process itself is not spoiling action. Dissent is not a bad thing; it shows engagement with the process. Public debate is a key element of democracy, but it is vital that space be provided within the process for those dissenting voices to be heard and taken into account without derailing the process in its entirety.

Much of the discontent appears to be fuelled by suspicion and a lack of information. It is therefore vital that the process be made as transparent as possible. The United Nations and the Garoowe signatories need to make public the list of elders, the process by which they will select the national Constituent Assembly's members, and the process for dealing with contentious issues within the constitution.

When ministers meet at the end of the month in Istanbul, they will assess progress on delivering the

end of the transition. It is for the Somali leaders, supported by United Nations Political Office for Somalia to demonstrate delivery of progress against the timelines set out in the road map and the Garoowe principles by that point.

Secondly, while our focus is currently on the end of the transition, it is no less important that we continue to build security and stability across Somalia. Resolution 2036 (2012) paved the way for an enhanced and expanded presence of the African Union Mission in Somalia (AMISOM). We welcome the efforts of the African Union (AU) and the countries of the region to put in place arrangements to implement that mandate. It is vital that those efforts continue and in particular that the rehatting of Kenyan troops take place as soon as possible.

Although resolution 2036 (2012) provided enhanced support for AMISOM, there is still a requirement for additional funding to provide key force enablers and equipment. In the past year, the United Kingdom has contributed £16 million without caveats to the United Nations Trust Fund for AMISOM. We call on others to continue to contribute to the Trust Fund, and on additional donors to provide funding for long-term requirements, such as the troop stipends currently funded by the European Union.

But we also need to enhance our efforts to develop Somali security capacity. AMISCM needs effective Somali national security forces alongside whom they can fight and to whom they can eventually hand over. We welcome the AU efforts to identify the immediate needs of the national security forces. We believe that the existing provisions of the arms embargo allow sufficient flexibility to meet those needs and that there are important security benefits in maintaining the embargo.

We also need to increase our efforts on longer-term capacity-building in the security and justice sectors as a whole to provide security and access to justice for people across Somalia. Enhanced security will be key to underpinning efforts at stabilization and the development of better governance, particularly in newly recovered areas.

We are entering a critical period in Somalia. The Garoowe signatories need to decide. Do they want to play their part in bringing peace to Somalia after 21 years of war, improving the lives of thousands of Somali people and setting Somalia on the path to recovery? Or do they want to let this opportunity slide and condemn their country to further years of conflict and turmoil? I urge them to make the right choice. If they do so, the United Nations and the international community will work with them and provide the support they need.

We look forward to discussing these issues further in Istanbul.

Ms. Rice (United States of America): I thank the Special Representative of the Secretary-General for Somalia, Mr. Mahiga, for his briefing, and welcome President Ahmed.

Somalia stands at a critical moment in its history. One year ago, Al-Shabaab controlled and terrorized large swaths of Somalia. Millions were at risk of starvation, and the country's leaders focused more on feuding among themselves than on working to improve the condition of the Somali people. one year ago in Nairobi, the Security Council delivered a blunt message to the Transitional Federal Government (TFG) that it risked losing international support if it did not get its act together and resolve its differences.

Today, Somalia is in a different and better place, but significant challenges lie ahead. The mandate of the Transitional Federal Government comes to an end in August. Any delay or back sliding in implementing the transition is totally unacceptable. Somalia and the wider region cannot afford to revert to the endless cycles of violence and suffering that have plagued the country and threatened the region for decades.

There are, encouragingly, signs of promise for the country and its people. For the first time in a generation, Somalia has a solid plan for creating a functional State and the conditions for its implementation continue to ripen. In the last few months, the TFG, as well as other roadmap signatories and the international community, have taken important steps to implement the road map to end the transition as defined by the Garoowe principles. A draft constitution has been circulated to the road map signatories. Elders have been selected to appoint delegates to the Constituent Assembly and are meeting now to do so. The security situation across the country has also improved. Areas on the outskirts of Mogadishu and the key cities of Beledweyne, Baidoa and Jowhar in south-western Somalia have recently been liberated from Al-Shabaab.

The United States commends the African Union Mission in Somalia (AMISOM) and the Somali National Security Forces for their significant military achievements and security gains. The sacrifices made by AMISOM and Somali troops are testament to their will and dedication to bring peace and stability to Somalia. Reflecting the improved security situation, the United Nations Political Office for Somalia has returned to Mogadishu. And although the humanitarian situation remains extremely fragile, thanks to the actions of United Nations humanitarian agencies and non-governmental organizations and the generosity of the international community, the famine has substantially abated.

The unanimous adoption of resolution 2036 (2012) on 22 February, followed by the London Conference on Somalia, demonstrated the strong and unified commitment of the international community to Somalia's future. The United States welcomes the upcoming second Istanbul Conference on Somalia, which should push the political transition process further towards completion.

While Somalis with international support have made progress, we cannot afford to lose momentum. Critical and difficult work remains, and the Somali people will hold the TFG, road map signatories and other stakeholders accountable for meeting the transition timetable. As the London Conference declared in February, the Kampala Accord deadline is firm. There must be no extension of the TFG mandate beyond 20 August. The Constituent Assembly should convene to consider and adopt the interim constitution, setting the stage for other important steps, including the appointment of a new, smaller parliament and indirect elections of a Speaker and President. Informing Somalis about the draft constitution and the road map implementation process is fundamental to their ultimate success. But as the Secretary-General observes in his report (S/2012/283), approval of the interim constitution by the Constituent Assembly will be the beginning, not the end, of the process.

Having noted some of the important progress achieved since the Security Council visited the region, let me now turn to the significant challenges ahead for Somalia.

As we were tragically reminded only two weeks ago by the suicide attack against a parliamentary delegation in Dhuusamarreeb and last month by the suicide bombing at the national theatre, Al-Shabaab remains a major threat to the stability of Somalia. Its shocking and ruthless attacks on innocent civilians and its ongoing ban on 17 humanitarian organizations demonstrate its total disregard for the Somali people and its disregard for human life. The United States condemns all Al-Shabaab terrorist attacks, which kill Government officials and innocent civilians alike.

Because Al Shabaab will continue to perpetrate terrorism and exploit any opening to sow instability and derail progress in Somalia, it is of paramount importance to expand security in stabilized areas in order to prevent Al-Shabaab from regaining a foothold. It requires AMISOM to be fully staffed so that it can fulfil its mandate. The African Union and additional troop contributors should quickly reach agreement on AMISOM's concept of operations. Failure to do so will not only reflect negatively on AMISOM and the African Union but, worse, undermine the security of the Somali people.

Moreover, although Somali national security forces will figure prominently in expanded AMISOM operations, they are hampered by supply shortages and gaps in logistical capacity. Since 2007, the United States has contributed over $106 million to strengthen the Somali security sector. We urge all Member States, especially new donors, to help the Somali people take the lead in providing for their own security and to coordinate bilateral support through the Joint Security Committee of the Transitional Federal Government, co-chaired by the United Nations and the African Union.

To ensure lasting stability in Somalia, it is necessary but not sufficient to continue to pressure Al-Shabaab and to strengthen national and international security forces. Criminal activity that finances terrorism, undermines domestic governance and distorts the local economy must be addressed as well. In this regard, the United States strongly supports the Contact Group on Piracy off the Coast of Somalia and will continue working with international partners and Somali leaders to end the scourge of piracy. Similarly, kidnapping for ransom imperils Somalia's progress and poses an increasing threat to all nations and their citizens. We must work together to strengthen law enforcement and other capacities to prevent hostage-takings and ensure that hostage-takers cannot obtain ransoms.

Finally, although the United Nations declared the end of the famine in Somalia in February, the humanitarian situation in southern and central Somalia remains precarious. More than 2.5 million Somalis still need emergency assistance. There are more than 980,000 Somali refugees, some of whom have lived in exile for more than 20 years. We commend Kenya, Ethiopia, Djibouti, Yemen and other countries in the region for hosting Somali refugees.

Since 2011, the United States has committed $1.1 billion to the humanitarian emergency in the Horn of Africa, including more than $260 million expressly for Somalia. The international community must do more to provide immediate life-saving assistance; to address the long-term needs of refugees, internally displaced persons and others affected by drought and conflict; and to build capacity in the region to mitigate the impact of future shocks that we know will come. Millions of lives are at stake.

I want to reiterate our strong support for AMISOM and our commitment to working with the international community to help Somalia face these challenges and realize a brighter future. International support, however, cannot be taken for granted. During the next four months, we have a unique opportunity to ensure that Somalia concludes its transition on time, but the onus remains on Somalia's leaders to seize this moment and establish a strong foundation for peace and stability. The people of Somalia, who have suffered too long, deserve nothing less.

Mr. Mashabane (South Africa): I thank you very much, Mr. President, for giving us the opportunity to participate in this important debate. We wish to thank the Secretary-General for his report (S/2012/283), as well as his Special Representative, Ambassador Augustine Mahiga, for his detailed briefing on the recent developments in Somalia. We also wish to welcome to this meeting President Sheikh Sharif Sheikh Ahmed of the Somali Republic, and we want to thank him for his wide-ranging statement.

Somalia is on the verge of making a decisive break with its most recent past, marked by conflict, crisis and instability. Recent months have seen determined and deliberate action by the Somali people, supported by the international community, to address in a sustained and concerted manner the political, humanitarian and security challenges confronting the country. In this regard, we welcome the significant progress made by the Transitional Federal Government (TFG) in implementing the September 2011 road map. Most notably, the Garoowe Conferences I and II have culminated in important principles and decisions that should guide the political and constitutional processes for ending the transition. We welcome in particular the agreements reached by the stakeholders during these Conferences.

With the end of transition, fast approaching on 20 August, South Africa welcomes the establishment of the Implementation Support Unit in the Office of the Prime Minister to expedite the delivery of key tasks and benchmarks. We look forward to the finalization of the nomination process of the 825 members of the Constituent Assembly by traditional elders. In this regard, it would be important to ensure that the selection process is inclusive and transparent and that the Constituent Assembly is representative and comprised of the agreed percentage of woman representatives. We are encouraged that the legitimate and reasonable concerns of key stakeholders regarding the Constitutional process will be taken into account, particularly if they have the potential to frustrate the outcome of this process.

In the remaining months, the Constituent Assembly will have to adopt a provisional draft constitution and agree on a new federal parliament. We look forward to the speedy completion of these important processes, to be followed by the election of a new President and the appointment of a new Prime Minister in July and August, respectively.

While we welcome these positive developments, we note with concern that challenges remain that could have negative impact on the implementation of the road map. We urge Somalis across the political spectrum to put their differences aside and focus on the common good of the country. Progress and peace can be achieved only by a united Somalia. We wish to recall the readiness of both the African Union and the Security Council to sanction spoilers who frustrate the implementation of the road map.

The joint letter issued recently by the Intergovernmental Authority on Development, the African Union and the United Nations reaffirms the determination of the international community to give full effect to resolution 1844 (2008), indicating that action will be taken against those who obstruct and undermine stability in Somalia.

The future of Somalia must be determined by the Somali people and the solutions to its current challenges must be Somali-owned. My delegation therefore wishes to urge the political leadership in Somalia to set its differences aside and to put the interests of the country above its own in order to seize the existing window of opportunity for the country to abandon the instability of its recent past.

South Africa notes the funding gap of $12 million for implementing key aspects of the road map. We share the concern of the Secretary-General that this could jeopardize the significant progress achieved so far. We call on the international community to continue its support for the TFG during this critical time.

My delegation acknowledges the important gains registered by the African Union Mission in Somalia (AMISOM), the security forces of Somalia's neighbours and the Somali national security forces. These security gains have laid the foundation for extending the authority of the TFG beyond Mogadishu, providing an enabling environment for establishing a United Nations presence in the capital, and creating a security environment conducive to facilitating the return of the international diplomatic and business communities. The military successes must be accompanied by reconciliation and stabilization, and we encourage national efforts towards this end. The international community must therefore continue its investment in AMISOM and in the Somali national security forces. In this regard, South Africa welcomes the recent "uncaveated" support by the United Kingdom, Sweden and Denmark to the AMISOM Trust Fund.

We continue to condemn the asymmetric attacks by the armed opposition against Government, civilian and United Nations targets. We underline that the strengthening of the Somali national security forces must remain an important benchmark in the international community's efforts to ensure sustainable peace. We are therefore concerned that the capacity-building of the Somali military and police force is constrained by the limited ability to pay and equip operational troops and pay arrears in police salaries. We join the Secretary-General in encouraging Member States with the necessary capabilities to assist AMISOM and Somali forces in building their capacity to prevent attacks and to improve civilian security.

In addition to progress on the political and security front, attention must also be given to the humanitarian challenges still confronting the country. We should further ensure stabilization and the delivery of basic services in areas recovered from Al-Shabaab. Funding by the international community for the Mogadishu Stabilization and Recovery Plan therefore remains a priority. Additionally, investment by the international community in the private sector development of Somalia, including its road, water and energy infrastructure, would ensure the long-term development of the country. In that regard, we look forward to the upcoming second Istanbul conference on Somalia, to be held from 31 May to 1 June, as an important opportunity for the international community to invest in the long-term economic future and stability of Somalia.

In conclusion, South Africa will play its part in supporting efforts that can help bring lasting peace, security and stability to Somalia. In that regard, the South African Government, on 13 March, signed an agreement on the establishment of diplomatic relations with Somalia, during the visit of the Minister for Foreign Affairs to South Africa. South Africa is committed to providing capacity- and institution-building, socio-economic support, as well as specified training in key Government sectors.

With three months of the transition remaining, the political leadership in Somalia, with the support of the international community, must take full advantage of the opportunities in the political and security sphere in placing the country on a trajectory of sustained peace, stability and long-term development.

Mr. Araud (France) (*spoke in French*): I would like to welcome the President of the Transitional Federal Government of the Somali Republic, Mr. Sheikh Sharif Sheikh Ahmed. I would also like to thank the Secretary-General and his Special Representative Augustine Mahiga for their briefings and for their personal commitment to stabilization in Somalia.

The Kampala Accord of 9 June 2011, the Mogadishu road map of 6 September 2011, the reinforcement of support for the African Union Mission in Somalia (AMISOM) decided in September 2011, and the thorough reconfiguration of AMISOM decided in February by the Security Council were all decisive stages aimed at a single objective, namely, stabilizing the political and security situation in

Somalia. Those stages have signalled an unprecedented support by the international community for Somalia with a view to altering the destiny of that country. The international community has done its duty. It has the right to maintain high expectations from Somali political officials. Without their involvement, about which we can still wonder, nothing is possible.

Today, almost a year after Kampala and three months from the end of the transition period, where do we stand? At the political level, we are concerned. The road map had four main tasks, accompanied by specific timelines, which the Transitional Federal Institutions signed on to. Today, three of those four tasks have been set aside in order to focus all efforts on adopting a constitution and on reforming current institutions, thus putting an end to the transition period that began in 2004. Unfortunately, even in that single area, certain timelines that were set by the international community and the Somalis themselves have not been met and the political process is now delayed by several weeks.

We therefore need a new impetus, and that impetus begins with appointing members of a Somali Constituent Assembly. The clan leaders, currently meeting in Mogadishu, must move forward and put national interests before their own in order to appoint without delay Somalis who would represent all categories of society, in particular women, who will be part of the Assembly in charge of reviewing the draft constitution. That impetus would also involve finalizing the text of the draft constitution. The drafting experts must complete their work, bearing in mind two elements: first, this is a provisional text that could be subject to further improvement later on and, secondly, the text must respect human rights in accordance with Somalia's international commitments.

Of course, the end of the transition period is not to everyone's liking. Some seem to be interested in continuing the current instability in order to preserve political influence or to derive financial benefit. To those who want to prevent their compatriots from living in peace, the international community is today ready to say that they can no longer conspire with impunity. The joint letter from the United Nations, the African Union and the Intergovernmental Authority on Development, which was issued a few days ago by Mr. Mahiga, is very clear. Those who continue to undermine the political process will be subject to sanctions from States in the region and from the United Nations.

At the security level, much remains to be done. Mogadishu continues to be subject to sporadic attacks and a large part of the territory of Somalia is still not under the control of the Transitional Federal Government. But progress has been considerable. Thanks to the efforts of the AMISOM soldiers, Al-Shabaab has lost ground and life has resumed in the Somali capital. We must pay tribute to the Ugandan and Burundian contingents and to the action taken by Ethiopia.

We support their efforts. Thanks to the adoption of resolution 2036 (2012), AMISOM's means are being transformed. The force will finally have an airlift capacity and its troops will be significantly strengthened. The strengthening is made possible by greater support from the United Nations, but also support from the European Union, which, we must remember, has been financing for several years the entire salary of AMISOM troops, amounting to approximately $200 million per year. No other country in the world benefits from such support. I would like to urge States that would like to increase their support for security stabilization in Somalia to provide financial support for AMISOM soldiers alongside the European Union.

In the long-term, Somalia's security can only be ensured by Somalis themselves. The training of Somali national forces must be a priority. The European Union is fully engaged along this path in the framework of the European Union Training Mission for Somalia. A restructuring of Government forces and strengthening of the chain of command will still be necessary to make those forces more effective.

As the transition period is nearing its end, of course we have to strengthen our efforts for the development of Somalia, but it is also up to the Somali authorities and to the people themselves to do their share and chart their path. One of the challenges in the coming months will be the development of a new administration, both national and local, that will be able to provide basic services to the population, in particular in the zones freed from Al-Shabaab control, in order to establish the legitimacy of Somali authorities. It is up to the Transitional Federal Government to do its duty, as well as to meet the expectations of the Somali people. In that regard, we welcome the holding of the upcoming Istanbul conference, which we hope will be an opportunity to breathe new life into those issues.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We would like to welcome the President of the Transitional Federal Government of the Somali Republic, Mr. Ahmed. We are grateful to the Special Representative of the Secretary-General for Somalia, Mr. Mahiga, for his assessment of the situation in Somalia.

In view of the impending conclusion of the transitional period, achieving the goals of stabilization and foundation building for Somali statehood requires more coordinated and vigorous actions on the part of the international community, as well as a mobilization of the political will of the Somali authorities. The country now has a real chance to reach a new level in its political process. It must take advantage of it and implement the road map on time on the basis of the Garoowe principles.

One element of major importance is the cohesiveness of the Transitional Federal Institutions. We commend the executive authorities' willingness to follow the measures agreed on for overcoming the crisis. The success of such efforts will depend greatly on the readiness of all political forces to refrain from settling scores, set aside their personal interests and mobilize efforts to advance the political process and strengthen Government authority in the liberated territories.

It is important to take the views of a broad cross-section of the Somali people into account and to work on drafting a new constitution on that basis. This would be a demonstration of genuine accountability and the capacity to function during this historically important period of the country's development. We believe that the provision of international aid must be tied to tangible progress in the peace process.

We must not forget the task of crushing Al-Shabaab as soon as possible. In that regard, we regret the loss of momentum in attacking the extremists' positions in the south and centre of the country. While the extremists are surrendering positions, they still control a large part of Somalia and are continuing their active resistance, strengthening alliances with local and foreign sympathizers alike, as attested to by the ongoing terrorist acts in Mogadishu. In this situation, the African Union Mission in Somalia (AMISOM) remains a key element in the struggle with the extremists. Its rapid expansion, in accordance with resolution 2036 (2012), will not only make the process of ridding Somalia of Al-Shabaab irreversible, but will also help create the conditions necessary for further strengthening the Somali security forces, which will bear responsibility for the country's stability after AMISOM's departure.

As ever, illegal arms are still entering Somalia unimpeded, ratcheting up the spiral of violence. It is more important than ever to strengthen the arms embargo overall and to cut off the channels that supply arms to the extremists, including those operating from Libya and other turbulent regions in Africa and the Middle East. More thorough verification of compliance with the embargo is also needed. The acute humanitarian crisis in Somalia is not diminishing. Against the backdrop of the ongoing fight against Al-Shabaab, we cannot expect a drop in the number of refugees.

As the peace process advances and the extremists are marginalized, the challenge of economic development becomes increasingly stark. We hope that the forthcoming conference on Somalia in Istanbul will not only help to promote a settlement but will impart momentum to the country's economic development. We support measures designed to broaden the presence and coordinate the actions of the United Nations entities in Somalia, while taking all security needs into account, under the leadership of the Special Representative of the Secretary-General, Mr. Augustine Mahiga.

Despite some reduction in the number of successful attacks, pirate activity along the coast of Somalia is still not declining. Piracy remains one of the chief destabilizing factors in the region and continues to inflict significant economic damage on the international community. A reliable solution to this problem is possible only through coordinated action on land and at sea within the framework of a comprehensive piracy strategy. Integral to that strategy would be the fight against impunity, through the creation of an effective mechanism for the criminal prosecution of pirates with international participation.

The Russian Federation will pursue its policy of providing comprehensive assistance to Somalia and participating actively in the international community's efforts to promote a settlement in Somalia.

Mr. Wittig (Germany): Let me first welcome President Sheikh Sharif Sheikh Ahmed to this meeting. We greatly value this timely exchange of views

between the Council and the Somali leadership. The transition will end soon, and it is vital that we address all necessary issues. I would also like to welcome the Special Representative of the Secretary-General, Mr. Mahiga, and to thank him for his exhaustive briefing and for his commitment and leadership under very difficult circumstances.

I will focus briefly on three points: first, the political process and the situation on the ground; secondly, the achievements of the African Union and the African Union Mission in Somalia (AMISOM); and, finally, the role of the international community and especially of the European Union (EU).

On my first point, with the end of the transitional period in sight, it is crucial that the targets laid down by the road map be achieved. Another extension of the deadline is inconceivable and unacceptable, and would certainly not be in the interest of Somalia and its people. We agree that some progress has been made, and in that regard I would like to commend the recently launched convention of Somali elders, who will select the members of the Constituent Assembly.

However, great challenges remain. We are worried about the ongoing infighting in and among the Transitional Federal Institutions. In particular, the continuing deadlock in the Transitional Federal Parliament is having troublesome effects on the whole transitional process. Let me be very clear — the international community has always supported Somalia, especially since the country has found itself in dire straits and dealing with instability. The United Nations has deployed some of the largest peacekeeping operations in the country, and many regional and individual actors have stood and still stand by the country and its people.

The past 20 years have taught us one lesson. There is no solution to the conflict without strong political will on the part of the Somali political actors themselves and without their earnest efforts to provide for a better, peaceful future for all Somalis. Looking at past and current support for Somalia, we simply do not agree that what is lacking is international support. Nor must such language be used as an excuse for delays and failures in the transitional process. There are many tasks remaining unresolved that do not even require financial support. Let me also stress that future support will depend on results. We cannot accept a call for more when there is no real progress.

Let me come to my second point. Three months ago, the Council reacted very swiftly in adopting resolution 2036 (2012), which endorsed the new AMISOM strategic concept and considerably enlarged the Mission's scope, mandate and support. That was another sign of the commitment of the United Nations, the Security Council and its members to AMISOM. We welcome AMISOM's achievements and reiterate our strong support for the Mission. In the past, my country has contributed considerably to it and will continue to do so, bilaterally and within the framework of the European Union.

AMISOM has been key to improvements in the security situation in Somalia, and without it we would not be where we are today. Apart from its military achievements, the Mission has contributed to the establishment of the Somali National Security Forces. Now, it is essential that the Transitional Federal Government finally succeed in establishing a functioning command-and-control structure. The Government and the Somali forces must become less dependent on AMISOM. Responsibilities need to be handed over to national forces and administrations, especially in regions where Al-Shabaab has been driven out.

Let me come to my final point. As I mentioned earlier, Germany has supported Somalia, among others, through the European Union. In that context, I would like to recall the substantial contributions the European Union has made so far. The training of Somali security forces in Uganda by the European Union Training Mission for Somalia, in close cooperation with AMISOM, is only one example. Furthermore, and in addition to its counter-piracy engagement at sea, the European Union will launch an additional mission to enhance the capabilities of the States in the region in the field of maritime security and to develop their legal frameworks. In Somalia, in addition to support for the legal system, a coastal police force will be trained in order to help end the criminal activities of pirates that add to the instability and insecurity in Somalia, and thereby to the misery of Somalia's people.

The transitional process will end in August. In the few weeks that are left, it is crucial to focus and work effectively to achieve that goal. That is first and foremost the responsibility of the Somalis themselves. They can be assured that the international community will continue to support them.

Mr. Menan (Togo) (*spoke in French*): I would first like to welcome to New York the President of the Somali Republic, His Excellency Mr. Sheikh Sharif Sheikh Ahmed, whose participation in this meeting of the Council testifies to his Government's commitment to all initiatives aimed at finding a solution to the long-standing crisis in Somalia. I would also like to thank Ambassador Augustine Mahiga for his detailed briefing, his presentation of the report of the Secretary-General on the situation in Somalia (S/2012/283) and his ongoing commitment in support of peace and stability in the country.

The commitment of the international community to peace and institution-building in Somalia since the last report (S/2012/74) gives grounds for optimism about the country's future in the light of the progress made, even if there remains a need for further progress in the transition process. That commitment has allowed the Transitional Federal Government and its allied forces to exercise their authority beyond Mogadishu, particularly in important strategic cities in the south and central part of Somalia and in newly recovered areas. Moreover, real progress has been made in terms of security, the drafting of the constitution, political openness and reconciliation and good governance, despite the delay in implementing the road map due to the lack of resources and the crisis that now exists within the Transitional Federal Parliament.

Notwithstanding that progress, a number of important questions remain with respect to the implementation of the agreed principles. For example, we would mention here the need not to limit provisions in the draft constitution having to do with fundamental rights and freedoms. Moreover, as was noted by the International Contact Group on Somalia and the London Conference, it is necessary to take appropriate measures against spoilers of the peace process.

In terms of security, despite repeated attacks in March, especially the explosion that took place in April at the National Theatre of Mogadishu, which the Council firmly condemned in a press release, it is undeniable that Al-Shabaab continues to lose ground, even while it has aligned itself with other militia in Puntland. As indicated in the report of the Chairperson of the African Union Commission of 20 March, the defections that have taken place in its ranks are likely to further weaken that terrorist movement.

None of that would have been possible without the work done by the African Union Mission in Somalia (AMISOM), whose operational effectiveness allowed for the achievement of encouraging results. In that respect, Togo welcomes the establishment of the Military Operations Coordinating Committee, whose cooperation with other bodies has allowed the structure of the enhanced force headquarters to be reworked and wide-scale operations to be conducted in a number of sectors.

The hope that is being reborn in Somalia thanks to the efforts of the Transitional Federal Government and the international community must not lead us to overlook the fact that it is primarily up to the Somalis themselves to provide for the security of their country. They are the only ones who can sustainably establish the security and stability that the population has aspired to for a number of decades. It is also urgent to achieve an independent security sector as soon as possible. We share the opinion that the independence of the sector requires strategic planning and orientation, training and equipping the military and the police, modernizing the justice and prison systems, and establishing a programme for disarmament, demobilization and reintegration of combatants who have abandoned Somali rebel groups. Togo takes this opportunity to once again thank the European Union, the United States, the United Kingdom and all other partners that are providing different forms of substantial support to AMISOM and to the Somali Government forces.

The report indicates that piracy continues in the high-risk area and is seen through increasingly ambitious attacks, a hardening of violence and an upsurge in the amounts of ransom demanded. Togo believes that piracy can only be eliminated by combining enforcement activities and broader efforts for stabilization in Somalia, by promoting good governance and the rule of law, by strengthening Government institutions and by promoting socio-economic development.

All of those actions require substantial logistical and financial means, which neither Somalia nor the States of the subregion can find by themselves. External partners therefore need to continue to support those States in the fight which, once won, will be beneficial not only for peace in the subregion but also for freedom of commerce and navigation.

On the humanitarian side, Al-Shabaab's ban imposed on United Nations humanitarian organizations and non-governmental organizations working in areas under their control remains in force, as indicated in the report. The ban contributes to the deterioration of the humanitarian situation in the regions in the southern part of the country, which is the homeland of the vast majority of those affected by the crisis, who are suffering in particular from malnutrition.

Moreover, reports indicate that targeting killings by Al Shabaab are taking place in areas they have recently lost. Cases of rape and sexual violence against displaced women and girls have also been noted. Togo believes that Al-Shabaab's violent behaviour in areas they are losing is unacceptable and requires more vigilance and spontaneous reactions from Government forces and AMISOM in securing areas taken from the terrorist organization.

Togo welcomes the 23 March Human Rights Council resolution requesting the Secretary-General to draft a report containing concrete proposals for a more integrated approach across the United Nations system for the protection and promotion of human rights in Somalia. We hope that the international conference on Somalia to be held in a few days in Turkey will be an opportunity to further debate the question.

In conclusion, I would like to reiterate my country's appreciation to the troop-contributing countries, AMISOM, donor countries and organizations for the invaluable sacrifices they continue to make to provide for a return of stability to Somalia and to maintain peace and security in the entire Horn of Africa region.

Mr. Loulichki (Morocco) (*spoke in French*): First of all, I would like to welcome the presence here today of His Excellency President Sheikh Sharif Sheikh Ahmed and to thank him for having shared with Council members his assessment of the situation in his country, his concerns and his expectations from the international community. I would also like to thank Mr. Augustine Mahiga, Special Representative of the Secretary-General, for his commitment and his dedication to his mission of peace and reconciliation in Somalia.

Morocco welcomes the ongoing interest that the Security Council is attaching to Somalia in order to assist a country that has been ravaged by a bloody war for 20 years and to bring its people out of violence and instability. That interest has been amply shown by the London Conference held on 23 February, the results of which, we hope, will be consolidated and built upon by the Istanbul conference scheduled for the 31 May.

Morocco is pleased with the steps taken and the progress made on the political and security fronts in Somalia, which have been implemented through establishing the Djibouti peace process and the road map in order to turn the page on the transition. The openness of the Transitional Federal Government in the areas it has recovered and the agreement on modalities for a Constituent Assembly represent real progress for the Somali people.

However, in spite of that progress, the situation remains fragile and reversible, as has been noted by the Special Representative of the Secretary-General, because not only do some portions of the national territory remain outside of the control of the central Government, but the central Government is confronted with terrorist acts by Al-Shabaab, particularly in the north of the country, with all of the human and humanitarian consequences flowing from it for hundreds of thousands of refugees and displaced persons.

My country emphatically condemns the terrorist activities of Al-Shabaab and the acts of piracy that have been staged off the shores of Somalia in spite of the efforts of the international community to secure the waters off the Horn of Africa. These efforts, both on land and on sea, need to be strengthened and bolstered by the establishment of the rule of law and capacity-building for the Somali Government in this area.

Morocco stands in solidarity with the people of Somalia and supports their legitimate aspirations to peace and stability. My country remains committed to respect for the sovereignty, territorial integrity, political independence and national unity of Somalia. However, meeting these objectives will require an inclusive dialogue, the will to reconcile, and respect for the commitments undertaken under the peace agreement, the road map and the Kampala Accord to end the transitional period. In this respect, we call on all parties to intensify their efforts to finalize the draft constitution and create the conditions for elections to take place smoothly. These timetables are critical to opening up reassuring and promising prospects for the post-transition period.

Somalia finds itself at a crucial juncture, as noted by all Council members. Somalis, as it stands, must overcome their differences and put their country's peace, stability, reconciliation and unity above their personal ambitions and partisan differences. They will need to exhibit the political will to unite to confront the challenges of terrorism, insecurity and threats to the unity of the country.

Somalia owes a great deal to the United Nations and to the international community for the progress it has made to date in the political and security fields and for the assistance generously provided to displaced persons. In particular, we welcome the efforts of the African Union Mission in Somalia, the United Nations Political Office for Somalia, which has headquartered in Mogadishu since 24 February, and the Committee established pursuant to resolutions 751 (1992) and 1907 (2009), chaired by the Permanent Representative of India.

However, more solidarity and commitment are required on the part of the international community to make the critical period immediately following the end of the transitional period one in which the gains made thus far are maintained and consolidated. Morocco and all of Africa are prepared to pursue their efforts to support the people of Somalia in its quest for stability, unity and reconciliation.

Mr. Osorio (Colombia) (*spoke in Spanish*): I would like to thank you, Mr. President, for convening this debate only three months before the end of the transitional period in August. Allow me to also welcome and commend the statements made by His Excellency Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of Somalia, and Mr. Augustine Mahiga, Special Representative of the Secretary-General and Head of the United Nations Political Office for Somalia, whose briefing was a clear illustration of the situation and the current challenges.

While we view with optimism the progress made in the implementation of certain tasks established in the road map, we understand that the current humanitarian, political and military situation in Somalia is not free from risks or difficulties. Given the fragile situation, we must redouble our efforts to strengthen the gains we have made in different areas and to lay the foundations for restoring peace and stability and fostering sustainable social and economic development.

Although the security situation, especially in Mogadishu, has improved, the situation in the outskirts of the city and in some parts of the south and centre of Somalia remains unstable. Despite the progress made by the Somali forces and the African Union Mission in Somalia (AMISOM), the terrorist attacks of Al-Shabaab continue to be a serious threat for the Transitional Federal Institutions, the AMISOM forces and the political process itself.

It is increasingly important to effectively use the mechanisms established by the Organization, including the regime under resolutions 751 (1992) and 1907 (2009), to impose appropriate measures on internal and external actors seeking to undermine the peace and reconciliation process in Somalia; to identify the leaders of armed groups who impede the provision of, access to and distribution of humanitarian assistance; and to apply the relevant sanctions in order to restrict the charcoal trade. It is also crucial to step up our monitoring and identification of arms embargo violations and to impose selective sanctions, when necessary, in order to reduce the effects that this could have in the Somali context.

We acknowledge the significant contribution of AMISOM to the quest for peace in Somalia. We note the progress achieved with the expansion of AMISOM after the adoption of resolution 2036 (2012) and its deployment beyond Mogadishu for the first time since its establishment. Nonetheless, we must persevere in our efforts to establish a presence in the four sectors established under the strategic concept. It is also crucial to continue to provide equipment, technical assistance and financing for the salaries of the troops and unconditional financing for the Mission through the United Nations Trust Fund for AMISOM.

Similarly, we must provide greater technical, financial and training resources to the Transitional Federal Government forces so that they can deploy on land and in coastal waters and play a more important role in the operations under way.

Taking the long-term perspective, any sound and lasting solution to the problem of piracy off the coast of Somalia must be part of a broader initiative aimed at national institutional capacity-building in which the economic, security, judicial and penal dimensions are implemented simultaneously.

We must harmonize and synchronize political and military efforts with a view to a genuine stabilization

of the situation in Somalia. We therefore feel that it is important to support the Transitional Federal Government's efforts to reach areas that were recently recovered, and in particular the national policy for the reconciliation and stabilization of the freed areas in the south and centre of Somalia.

Given the imminent end of the transitional period, Somali leaders must work together, set aside their differences, put the interests of the Somali people before their own personal interests, and thereby complete the implementation of the road map on schedule. A commitment in this direction will pave the way for them to move together towards a general and lasting solution to the situation in Somalia in this critical phase of the political process.

While the Transitional Federal Government has the primary responsibility for restoring security, political stability, the rule of law and economic development, it is also crucial that the international community continue to provide its support for institutional strengthening and national capacity-building. The upcoming Conference on Somalia to be held in Istanbul will be an ideal forum in which to tackle the immediate challenges facing Somalia and to begin to plan for long-term solutions that would establish the conditions to foster sustainable economic and social development.

In conclusion, I would like to urge the Somali authorities and other relevant actors to continue to play a constructive role and to comply with their obligations in implementing the road map so that the deadlines set for the end of the transition period in August can be met. The impetus for and the vision of a stable and stronger Somali State must be upheld as the primary long-term objective.

Mr. Cabral (Portugal): I would like to thank Special Representative Augustine Mahiga for his very helpful briefing and analysis. Allow me also to thank His Excellency President Sheikh Sharif Sheikh Ahmed for his presence and for his statement.

Portugal welcomes the progress made to date in the implementation of the Kampala road map. However, we are concerned about delays in implementing some of its key tasks, as well as the negative impact of the long-lasting impasse in the Transitional Federal Parliament. With only three months to go until the end of the political transition in Somalia, we must reiterate that it is up to the Somali leadership to seize this opportunity and to implement its commitments to ensure that the 20 August deadline is met.

It is crucial that the Somali authorities implement the Garoowe principles, which provide a solid basis for the way forward with the establishment of new institutions and the adoption of a new constitution by a representative Constituent Assembly in full transparency. The constitution, subject to a national referendum in due course, must be underpinned by respect for human rights and fundamental freedoms, including the rights of women and of persons belonging to minorities, and must create a framework for all Somalis to take part in public life. At the same time, it is essential to guarantee the accessibility and deliverance of basic services to the population, to support sustainable peace and development, to build an effective Government, and to re-establish an independent judiciary.

While the international community's will and determination in continuing to support the Somali people are clear, as demonstrated by the continuous hard work of Special Representative of the Secretary-General Augustine Mahiga, whose efforts I wish to commend, and by the upcoming Istanbul Conference on 31 May and 1 June, as well as the International Somalia Contact Group meeting in Rome on 2 and 3 July, responsibility for the delivery of a political solution lies with the Somalis themselves. Portugal echoes the Secretary-General's view that appropriate action should be taken against those who are judged to be blocking or undermining progress.

Portugal recognizes and commends the crucial role of the African Union Mission in Somalia (AMISOM) in bringing security to the country. The adoption of resolution 2036 (2012) and the significant strengthening of AMISOM that it authorized are a clear expression of the political importance and appropriateness of the continued and significant support to allow the Mission to fulfil its mandate. Through the United Nations and the European Union, Portugal will continue its support to AMISOM.

In that regard, allow me to call on the new troop-contributing countries to fully integrate their forces into the AMISOM command and control structure, in line with the aforementioned resolution. Allow me also to call on other donors to contribute to sustainable funding for AMISOM and to provide force enablers to allow the Mission to operate effectively.

Furthermore, I would like to acknowledge the efforts made to date by all partners involved in military action in Somalia to minimize the negative impact of military intervention on Somali civilians and to protect their human rights. I encourage them to continue to do so.

The unbroken commitment of the Somali authorities to effective governance and security is central to consolidating AMISOM's military gains on the ground and to ensuring the governance of territories previously under Al-Shabaab rule. We take this opportunity to call on the Transitional Federal Institutions to fully embrace the leadership of that process. Through the European Union Training Mission, to which Portugal will provide 16 military troops in 2012, we will continue to support the development of the Somali national security forces. We encourage other donors to join that process.

Likewise, we recall the importance of continued support and humanitarian assistance to Somalia. We are concerned about the impoverishment of the population owing to the prevailing conflict and the persistent drought, as well as the implications of such a situation with the growing number of refugees in the region. As the Secretary-General underlines in his report (S/2012/283), the humanitarian situation continues to be fragile and the progress made remains reversible. Portugal urges all parties to ensure full and unhindered access for humanitarian aid across the country so that vulnerable people can be reached.

As the security and political situation registers progress, the achievements made to date in Somalia will only be sustainable if all stakeholders continue to pursue a multifaceted response to the country's underlying causes of instability, including by building stability at the local level and by stepping up the action to tackle the threats posed by piracy and terrorism.

Portugal has always argued that piracy is a problem of organized crime, with onshore roots in Somalia. Its causes are related to the conflict that has ravaged Somalia for over two decades and the severe impoverishment of the population, particularly the coastal communities. We are especially worried about the expansion of piracy attacks throughout the Indian Ocean, reaching as far south as the coast of Mozambique and eastwards towards the shores of India.

In concluding, allow me to underline that time is of the essence. As the Secretary-General clearly said, despite the challenges, there is a real opportunity to move the country to a new phase in the political process. For that to happen, Somali leaders must unite in the commitment to ending the transition in August.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): At the outset, we would like to welcome the President of the Transitional Federal Government, His Excellency Sheikh Sharif Sheikh Ahmed, and to thank him for his presence. It reaffirms his commitment to the struggle to resolve the conflict that has devastated his country for many years. We also thank the Special Representative of the Secretary-General, Mr. Augustine Mahiga, for presenting the report before us (S/2012/283) and for his tireless work as head of the United Nations Political Office for Somalia.

Over several months, we have seen encouraging signs and important and positive developments in Somalia, in particular in the context of its situation in recent years. We acknowledge that the coming months represent a possible turning point for the future of Somalia, and hence for the entire Horn of Africa region.

Guatemala welcomes the efforts made to date, which have the potential to launch a new phase in the quest for stability and peace. From our own past experiences, we understand the importance of acting decisively and resolutely and of not tolerating any impediment that could overturn the set goals. Allow me to make a few specific comments.

On the implementation of the road map, my delegation believes concluding the drafting and the adoption of the new constitution to be a priority. The adoption of the constitution is also a starting point for national reconciliation. We commend efforts to establish the Constituent Assembly, which is a fundamental requirement for the process to succeed. The new interim constitution should reflect the aspirations of all Somali people and must meet international standards of human rights, including the rights of women and children.

The election of the members of the Constituent Assembly and the new parliament is of paramount importance. The credibility and legitimacy of those bodies depend on it. Members must represent the broad diversity of the Somali people.

Guatemala considers it essential to end the transitional period on 20 August, in line with the road map and as reaffirmed in Garoowe Conferences I and II

and Gaalkacyo. We agree with the Special Representative of Secretary-General that the transition should be Somali-led. At the same time, the people of Somalia must know that that the international community, and especially the Security Council, will support them throughout the peace process.

Like other delegations, we take note of the joint letter from the United Nations, the African Union and the Intergovernmental Authority on Development. Resolution 2036 (2012) reaffirms the decision of the Security Council to take action against internal and external actors involved in actions aimed at undermining the peace process. My delegation will support all actions necessary to ensure the full implementation of the road map and to end the transition by 20 August. There can be no more extensions.

On the security strategy, we believe that the peace process largely depends on the successful expansion of the security strategy across Somalia. We believe that the strategic coordination and expanded operations of AMISOM are already showing positive results, and hope for its timely deployment to the sectors outlined in paragraph 91 of the Secretary-General's report. We fully support the expansion and implementation of stabilization plans to the recovered areas. The establishment of local administrations capable of providing basic services to their population will be essential. We are grateful to all international partners for their continued support to Somalia, in particular to the troop-contributing countries for their sacrifices, and to donor countries.

To ensure that the political process continues, we must redouble our efforts to end terrorism. Despite the successful military operations of AMISOM, Al-Shabaab is still a threat, attacking innocent Somalis and others. Piracy off the coast of Somalia and the Gulf of Aden continues to pose a serious threat to maritime safety and economic development of countries in the region. We reiterate that piracy is a consequence of the challenges facing Somalia on land. It is therefore important that the Security Council support Somalia in addressing the underlying causes of piracy. Although the number of acts of piracy has decreased, thanks to the concrete measures taken, it is disturbing to note that criminal activity is still entrenched, as mentioned in the report of the Secretary-General, and that there are still many cases of piracy and hostage-taking, even beyond the coast of Somalia.

On the humanitarian situation, although we are pleased that Somalia is no longer suffering from famine, the situation remains fragile. We hope that by improving the security situation, conditions conducive to undertaking unhindered humanitarian activities will increase, especially considering that Al-Shabaab continues to prevent several humanitarian organizations from working in the areas it controls, which significantly hampers the provision of assistance to people in need. The international community needs to show greater solidarity with the people of Somalia regarding the provision of humanitarian assistance.

We remain concerned in particular by the plight of Somali women and children, many of whom are vulnerable to higher levels of sexual violence because of their gender. We urge the international community to continue to provide vital assistance to these and others in need in Somalia and its neighbours.

Finally, we commend the Government of Turkey and the Secretary-General for organizing the next conference in Istanbul at such a crucial moment for Somalia. We will be represented at the meeting.

Mr. Manjeev Singh Puri (India): Let me begin by welcoming President Sheikh Sharif Sheikh Ahmed to the Security Council. His participation and statement in the meeting today underscore the commitment that the leadership of the Transitional Federal Government (TFG) has shown towards the stabilization of the situation in Somalia. I would also like to thank Special Representative of the Secretary-General Augustine Mahiga for his insightful briefing.

Clearly, the political process in Somalia has entered a decisive phase towards ending the transition in August. Against this backdrop, today's debate should help the Council to take stock of the progress made so far in the implementation of the road map, identify the challenges, and decide on the ways and means to address those challenges.

During the past year, significant progress has been made by the African Union Mission in Somalia (AMISOM), the TFG and allied forces in the security sector. Though Al-Shabaab has carried out some spectacular terrorist attacks, security gains have by and large been sustained in Mogadishu. This has facilitated the revival of economic activities. The relocation of the United Nations Political Office for Somalia to Mogadishu in January this year was an important milestone in this regard. Security forces, led by

AMISOM and assisted by Kenyan and Ethiopian troops, have also recovered several areas from Al-Shabaab in southern and central Somalia. In this connection, strengthening AMISOM with more predictable and sustainable resources, in accordance with resolution 2036 (2012), should facilitate further gains against Al-Shabaab.

Al-Shabaab, however, remains a potent force and, with its recent affiliation with Al-Qaida continues to pose a serious threat to peace and security in Somalia and the larger region. The recent attacks in Mogadishu and southern Somalia confirm its capability. It is therefore necessary to expedite stabilization and reconciliation in the liberated areas and to restrict sources of Al-Shabaab's revenue and weapons. All parties should strictly implement the ban on the trade in charcoal, in accordance with resolution 2036 (2012). We have noted that the TFG has set up district security committees as part of its outreach efforts in the liberated areas. We think that adoption of a national security and stabilization plan will facilitate stabilization and reconciliation in these areas and should be expedited.

Given the fragile security situation, our continued support to AMISOM remains critical, in addition to the capacity-building of Somali security forces. We have noted the progress made towards the full deployment of AMISOM's mandated strength and its deployment plans. We commend the troop-contributing countries for their commitments in that regard and we hope that the Council will further expand its support for AMISOM in accordance with the recommendations of the African Union (AU). India, on its part, made an uncaveated contribution of $2 million in 2011 to the AU and United Nations Trust Funds for AMISOM, and will make another contribution of $1 million this year.

The gains on the security front need to be matched by the progress on the political track. We hope that the Transitional Federal Institutions and other Somali stakeholders will fully cooperate and implement the decisions of the first and second Garoowe Consultative Constitutional Conferences in a time-bound manner. In that regard, we have taken note of efforts that are being made in Mogadishu and the regions and hope that those efforts are as broad-based as possible to ensure inclusivity in the process by taking into consideration the traditional social structure and accommodating existing regional authorities into the federal system.

The problem of piracy and hostage-taking off the coast of Somalia remains a matter of serious concern for India. In spite of counter-piracy measures, the number of attempted pirate attacks increased by 65 per cent in 2011. Pirates are currently holding 16 ships and nearly 300 hostages. We would therefore like to reiterate the need for the international community to adopt a comprehensive counter-piracy strategy that also addresses the inhuman conditions in which pirates hold hostages.

In conclusion, I would like to say that, as we approach the end of transition in Somalia, the international community, and the United Nations in particular, should remain vigilant of forces that have the potential to undermine the process. The international community should also remain engaged with Somali stakeholders and provide assistance in political, security and humanitarian spheres, as required by the post-transition Somali authorities. As noted by the Secretary General, the investment of the international community will be fundamental to the long-term recovery and development of Somalia. In that regard, we welcome the conference scheduled to be held in Istanbul later this month and hope that it will build on the gains of the London Conference held in February.

India, for its part, will continue to partner with all stakeholders for the stabilization of the situation in Somalia. India will also continue to extend its support for the capacity-building of Somali national institutions through human resources development. We recently increased the number of scholarships for Somali students and experts. We will also continue our cooperation in the information technology sector in Somalia.

We hope that, with our collective efforts, the people of Somalia will be able to turn a new page in their history in August and achieve sustainable peace and enduring stability in the country.

Mr. Wang Min (China) (*spoke in Chinese*): I would like to thank Mr. Mahiga, Special Representative of the Secretary-General for Somalia, for his briefing. I would also like to welcome to this meeting His Excellency Mr. Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of Somalia.

The Somali peace process is at a key stage. We welcome the steady progress made in implementing the road map on ending the transition period, the headway made in efforts to draft a constitution and hold

parliamentary elections, the military gains that have been achieved and the noteworthy improvement in the humanitarian situation in the country. We also note that the peace process continues to face many difficulties. Tensions have increased within the Transitional Federal Parliament, with and adverse impact on the implementation of the road map. The potential for new conflicts is emerging in various regions. And the humanitarian situation in Somalia continues to be fragile.

China believes that national reconciliation is the only way to restore peace and stability in Somalia. We support Somalia in continuing to implement the Transitional Federal Charter, the Djibouti Agreement, the Kampala Accord and the Garoowe principles, as well as in fully implementing the road map and ending the transitional period on time. We hope that the parties in Somalia will place the interests of the country and its people first and, in a spirit of solidarity and reconciliation, overcome differences through dialogue and consultation as soon as possible, so as not to unnecessarily disrupt the peace process.

We support the Transitional Federal Government (TFG) in further enhancing capacity-building in order that it can govern effectively the entire territory of Somalia as soon as possible. We hope that the parties in Somalia will reject violence and join the peace process unconditionally at the earliest possible moment.

In the current circumstances, the international community should continue to support the mediation efforts of the United Nations, the African Union (AU) and the Intergovernmental Authority on Development, support the TFG in strengthening capacity-building, and encourage the parties to implement the road map in good faith. China welcomes the AU report published on 20 March on its Mission in Somalia. We hope that the United Nations will continue to strengthen its logistical support to the Mission and to effectively implement resolution 2036 (2012). We welcome the successful London Conference on Somalia and look forward to the same positive results at the conference to be held later this month in Istanbul.

Mr. Tarar (Pakistan): I would like to thank you, Mr. President, for arranging today's meeting. We warmly welcome His Excellency President Sharif Sheikh Ahmed to the Security Council and thank him for his briefing. Our appreciation also goes to Special Representative of the Secretary-General Augustine Mahiga and his team for their important work in Somalia.

With the approaching end of the transition period, in three months' time, a new page is being turned in the history of Somalia. It is our shared hope that August will be a propitious month with regard to ending the conflict and bringing lasting peace to Somalia.

Domestic political consensus among all Somali stakeholders is essential to usher in a new era. We recognize the progress achieved at the two Conferences held in Garoowe and at the follow-up meetings to work for a representative post-transition Government in Somalia, in line with the Transitional Federal Charter, the Djibouti Agreement, the Kampala Accord and the transition road map.

Each step in that challenging journey is invaluable, since progress towards constitutional development and State-building is fraught with myriad obstacles. No one should underestimate the complexity of addressing such intricate and complex issues as the nature of federalism, the codification of religious and tribal traditions and the composition of the Constituent Assembly. We would therefore like to send a message of encouragement and solidarity to the Somali people and their leadership at this critical hour.

In the same vein, it is also essential for all political stakeholders in Somalia to seize this moment in history, rise above their differences and work towards a broader agreement on pending road map issues. The unique opportunity that is presenting itself in form of unanimity on the broad contour of future governance and the political framework, as well as the sustained engagement of international community, must not be lost.

Political progress in Somalia will remain fragile without corresponding gains in the area of security. The role of the African Union Mission in Somalia (AMISOM) in ensuring security and development, and thereby consolidating political gains, is absolutely critical. The African Union and countries contributing troops to AMISOM deserve special praise and all possible assistance. We welcome the increased role of AMISOM in enhancing the effectiveness of Somali forces.

The Secretary-General's latest report on Somalia (S/212/283) rightly underscores the scarcity of resources as undermining progress on the integration of

Somalia's armed forces, on the development of civilian police and justice systems and on programmes for demobilized combatants. The Secretary-General has also highlighted the fact that, besides the impasse within the Transitional Federal Parliament, the lack of resources also obstructs the smooth implementation of the road map. While appreciating all financial contributions made in Somalia, we hope that the issue of resources will merit our due attention, as rightly pointed out by President Ahmed, who called for financial and capacity-building support for various institutions of Somalia.

Pakistan supports a comprehensive approach to addressing maritime piracy off the coast of Somalia and in the Gulf of Aden. We have consistently emphasized the need to tackle that menace by addressing its root causes, which include, inter alia, economic downturn, unemployment and environmental damage to Somali coastal areas. To counter piracy, we support the addition of a maritime component to AMISOM, as well as the actions of the international naval coalition against piracy. Pakistan is an active participant in that coalition. We also urge that we not lose sight of the plight of many hostages, including Pakistani nationals, being held by the pirates and that we work towards their early release. Any help that the Government of Somalia can possibly extend in that regard would be highly appreciated. The entire Pakistani nation is worried about the hostages. The President of Pakistan, His Excellency Mr. Asif Ali Zardari, is personally overseeing efforts for their release.

We share the concerns expressed by previous speakers about the humanitarian situation in Somalia. Despite improvement with regard to the famine situation, humanitarian challenges persist and require our sustained attention.

In conclusion, we commend the initiative of Turkey in hosting the forthcoming Istanbul conference on Somalia. We hope that the event will contribute to realizing the aspirations of the Somali people for a better life and future. We also hope that it will promote the objective of long-term peace and stability in Somalia with full respect for its unity, sovereignty and territorial integrity. We wish the initiative every success.

The President: I shall now make a statement in my capacity as the representative of Azerbaijan.

At the outset, I would like to welcome His Excellency Mr. Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of the Somali Republic, and to thank him for his statement. We are also grateful to Special Representative of the Secretary-General Augustine Mahiga for his briefing and for presenting the report of the Secretary-General (S/2012/283).

I would like to reiterate to the Somali authorities our strong support for their efforts to overcome difficulties, to achieve reconciliation and to build a secure, stable, united, democratic and prosperous nation. Azerbaijan stresses the importance of a consistent, strong commitment on the part of the Security Council and the broader international community to the sovereignty, territorial integrity, political independence and unity of Somalia.

We welcome the progress in recent months on the political and security fronts in Somalia, which confirms the commitment of the Transitional Federal Government to the implementation of the road map to end the transition. We are encouraged by the fact that, despite some difficulties and delays, the implementation of the road map is proceeding. Considerable tasks have been accomplished. As the Secretary-General notes in his report, there is a real opportunity, which must be seized, to move the country to a new phase in the political process.

It is obvious that Somalia is responsible for its own peace, stability, development and prosperity and that the leadership and all political stakeholders in Somalia must unite in the commitment to ending the transition in August and to addressing the challenges ahead. At the same time, continued international support to the process remains critical.

Azerbaijan pays tribute to the United Nations, the African Union, the African Union Mission in Somalia (AMISOM) and the troop-contributing countries for their continuing commitment to bringing peace and stability to the country. We are encouraged by the further consolidation of the partnership between the United Nations and the African Union. I would also like to commend the Organization of Islamic Cooperation for its contribution to achieving peace and national reconciliation in Somalia and for mobilizing assistance for the urgent needs of the peoples affected by the humanitarian crisis in that country.

Both the International Contact Group on Somalia and the London Conference highlighted the need for action against spoilers of the peace process. It is crucial to continue all necessary efforts to effectively address the threats and challenges to the successful implementation of the road map, including through supporting and implementing measures against those internal and external actors or groups who seek to undermine or block the peace process in Somalia.

Non-conventional attacks by Al-Shabaab are a matter of serious concern, as are the reports about its announced strengthened alliance with Al-Qaida and other militia groups in the country. As Somali forces and AMISOM continue to make territorial gains, it is critical, among other measures, to continue assisting them to build their capacity to effectively confront and prevent asymmetric attacks and to improve civilian security.

The long-awaited durable peace in Somalia demands the economic recovery of the country through integrated national and international efforts. We concur with the Secretary-General that the end of the transition should encourage the international community to invest seriously in the long-term recovery and development of Somalia. We look forward to the Istanbul conference and its outcome as a next important milestone in the international community's collaboration for the sake of peace and development in Somalia.

The humanitarian situation in Somalia requires continued attention. We stress the importance of lasting support to Somalia in that regard, as well as the need to redouble efforts to find long-term solutions for internally displaced persons.

I now resume my functions as President of the Council.

There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 12:40 p.m.

United Nations S/PV.6771

Security Council

Sixty-seventh year

Provisional

6771 st meeting

Tuesday, 15 May 2012, 3 p.m.

New York

President:	Mr. Mehdiyev	(Azerbaijan)
Members:	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mrs. Le Fraper du Hellen
	Germany	Mr. Eick
	Guatemala	Mr. Rosenthal
	India	Mr. Kumar
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Laher
	Togo	Mr. Mbeou
	United Kingdom of Great Britain and Northern Ireland	Mr. Tatham
	United States of America	Mrs. DiCarlo

Agenda

The situation in Bosnia and Herzegovina

Letter dated 9 May 2012 from the Secretary-General addressed to the President of the Security Council (S/2012/307)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

12-33985 (E)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 9 May 2012 from the Secretary-General addressed to the President of the Security Council (S/2012/307)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia and Serbia to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2012/307, which contains a letter dated 9 May 2012 from the Secretary-General, transmitting the forty-first report of the High Representative for Bosnia and Herzegovina.

I now give the floor to Mr. Inzko.

Mr. Inzko: I thank you, Sir, for giving me the opportunity to present my seventh report as High Representative — the forty-first report of the High Representative for Bosnia and Herzegovina (see S/2012/307).

This month is special for Bosnia and Herzegovina, as it will celebrate 20 years since its admission as a Member State to the United Nations, along with Croatia and Slovenia, on 22 May. But this month is also special for my home country, Austria, as it presided over the Security Council in the month of May exactly 20 years ago. The then-Austrian Ambassador, Mr. Peter Hohenfellner, as President of the Security Council, proposed on 20 May 1992 to the Council to adopt a draft resolution recommending to the General Assembly that Bosnia and Herzegovina be admitted to the United Nations (see S/PV.3079). At the same meeting the Security Council unanimously adopted resolution 755 (1992) endorsing his recommendation. The Security Council President, Mr. Peter Hohenfellner, also expressed in a prophetic way that "[a]ll the members of the Council are confident that Bosnia and Herzegovina will make a significant contribution to the work of the Organization" (*S/PV.3079, p. 4*). Upon this historic recommendation, Bosnia and Herzegovina was admitted, through General Assembly resolution 46/237, adopted without a vote 20 years ago on 22 May 1992, as a Member of the United Nations.

I wish to take this opportunity to congratulate Bosnia and Herzegovina wholeheartedly, and I am very glad that — as predicted 20 years ago — Bosnia and Herzegovina is indeed making a significant contribution to the work of the Organization, most recently with its successful tenure as a non-permanent member of the Security Council.

I also wish to take this opportunity to congratulate both Croatia and Slovenia on this occasion. In Slovenia, the date of admission to the United Nations is even commemorated as the Day of Slovenian Diplomacy. Such anniversaries are a time for reflection. Looking back, nobody can dispute that Bosnia and Herzegovina has come a long way, but neither can we dispute that the country has some way to go before the job is completed. At the same time, I am very pleased to be able to report that 2012 has started well, with signs of positive change in the country. I should like to brief the Council on the most notable positive developments of recent months, which I believe offer real hope that 2012 can be a good year for Bosnia and Herzegovina.

On 10 February — more than 16 months after the elections — a State Government was finally appointed with a Croat Chairman. The Government is based on a coalition of the six strongest parties. I was especially pleased by this outcome as I have consistently and repeatedly insisted that the principle of rotation of the ethnicity of the State Prime Minister between mandates be respected. Accordingly, we now have a Prime Minister who is from the constituent people of the Bosnian Croats. And, by the way, his mandate is off to an excellent start. Had the authorities not followed the principle of rotation this time, it would be very

difficult to re-establish what is, for Bosnia and Herzegovina, a very important procedure.

Furthermore, I have also consistently and repeatedly advocated that the six parties forming the Council of Ministers, given the support they receive at the elections, have the greatest responsibility for forming the Government and taking the country forward. I have encouraged the parties to do so, but I have made it equally clear that it is up to them to form a Government and that the international community would not intervene. Government formation was preceded by the adoption of two long outstanding State-level laws — the State Aid Law and the Census Law, both of which are important for the European Union (EU) accession process.

Then, on 9 March, the leaders of the six leading parties reached a political agreement on two of the issues that have been identified as preconditions for the closure of my Office: the issue of the ownership and use of military property, and the broader question of ownership and use of State property. Overall, the 9 March party leaders' agreement is a positive step and offers real hope of progress. Most significantly, progress on the issue of military property would help to set the stage for Bosnia and Herzegovina's full participation in NATO's membership action plan — a step that I have consistently and strongly supported. I hope that, in a few days time, there will be good news from the Chicago summit. This would be a real boost for Bosnia and Herzegovina and a signal to the country that progress on the Euro-Atlantic path is achievable. Of course, the benchmark is implementation. What we need to see now is action by the State and entity authorities to implement their agreement.

In addition to the progress on defence and State property, the Peace Implementation Council Steering Board is currently discussing the future of the international supervisory regime in the Brcko district. This question is another of the five objectives and two conditions set for the closure of Office of the High Representative. My Office will be encouraging and supporting the domestic authorities to make progress, but I will not do the job for them. Those times are over. Progress can be delivered only by domestic institutions.

This also applies to the implementation of the Sejdic-Finci judgement of the European Court of Human Rights, which requires Bosnia and Herzegovina to change the way its Presidency members and representatives in the House of Peoples are elected. Progress on this issue is important for Bosnia and Herzegovina's EU path, but first and foremost it is important in and of itself because human rights and the rule of law matter. Let me take this opportunity to once again call on the leaders to go the extra mile and to reach an agreement.

All the positive developments that I have just mentioned are the result of politicians finally sitting down and talking to each other. This is so simple, and yet so elusive. At the same time, Bosnia and Herzegovina continues to benefit from a positive regional climate, to which President Josipović and Foreign Minister Pusić of Croatia, as well as President Tadić of Serbia, have contributed to greatly. The role of Montenegro as third neighbour in this improved regional environment has also been extremely constructive.

So now, within Bosnia and Herzegovina, for the first time in a long time we have a political process based on dialogue and a readiness to compromise. This long overdue return to political dialogue, negotiation and compromise is very good news. If it is nurtured and developed — if Bosnia and Herzegovina's leaders honour the commitments they have made — 2012 could indeed be a breakthrough year on the path towards full Euro-Atlantic integration. In any case, it has started as a very promising year.

At the same time, given my mandate, I must also be on record in regard to less welcome developments. Alongside this positive dynamic, we continue to see a parallel dynamic of the divisive political agendas that have been played out over the past six years. A number of troubling challenges to the Dayton Agreement and Bosnia and Herzegovina's territorial integrity took place during the reporting period, including a series of statements challenging the statehood of Bosnia and Herzegovina. Relevant quotations and details of these developments can be found in my report. These are unwelcome aspects of an otherwise positive political situation in Bosnia and Herzegovina, and we must keep them in view. Given my mandate, I must take these challenges seriously.

Another issue I am watching closely is the issue of the State budget. The 2011 State budget was not adopted until 2012, and we still await the adoption of the 2012 budget and a global fiscal framework for

2012-2014. The 2012 budget has now passed the first reading in the Bosnia and Herzegovina House of Representatives. I warmly welcome this step, and I am hopeful that Parliament will finish the job swiftly so that we can finally have a budget in place at the State level. It remains to be seen how the budget, which is smaller than the last regular budget, adopted for 2010, will impact on the functioning of the State-level institutions. We hope, however, that the basic functions of the State, including those relevant to the country's EU and NATO perspectives, can be maintained.

This year is an election year and will bring challenges of its own. The electoral rules for Mostar and Srebrenica have been hotly debated and may very well shape the election campaign. Both places are special and deserve our ongoing attention. My Office will certainly be making an extra effort in 2012 to help both communities to make progress in the interests of the citizens who live there and to contribute to the creation of an environment that will enable self-sustaining coexistence for many generations to come.

While pointing to these difficulties and challenges, I do not wish to diminish the very real and long-awaited signs of positive political progress that the European integration dynamic appears to be delivering. At the same time, I want to recall that Bosnia is a very specific country with a troubled recent history. It needs a special and calibrated approach. We should not ignore this as we look to the future.

As Bosnia and Herzegovina's Constitution was drafted as part of the Peace Agreement, the Dayton factor will always be present in some form in Bosnia and Herzegovina. However, it is vital that the European Union factor continues to be steadily strengthened, as the Euro-Atlantic future is Bosnia and Herzegovina's future — its only future. Needless to say, this trajectory has my full respect and wholehearted support.

My hope is that the country will draw strength from how far it has come during the past 20 years and that this reality will inspire political leaders to meet their responsibilities to their citizens and, I dare say, to the international community as well.

Given how much the international community has invested in Bosnia and Herzegovina over the years, it is only natural that we have expectations of the political leaders and authorities in Bosnia and Herzegovina. They have proven in the past six months that they can make progress; now we expect, and need, to see more.

Allow me to conclude by making three points. First, recent developments offer hope of genuine progress, but it is still early days. We need to see far more in the way of concrete results, and I believe that we will. The year 2012 can be a breakthrough year for the country in its efforts to progress towards full Euro-Atlantic integration. NATO and European Union's membership are two parts of a single path for Bosnia and Herzegovina. They are complimentary and I fully support both.

Secondly, we cannot ignore that challenges to the Peace Agreement continue. We must ensure that we are equipped to deal with such challenges. In doing so, we will also be supporting the efforts of those forces in the country that want to move forward and progress towards Euro-Atlantic integration.

Thirdly, our unity is our strength — the unity of the international community. Bosnia and Herzegovina could be a role model and an example of how the international community works together successfully and speaks with one voice. On the ground in Sarajevo that has been achieved already. Peter Sørensen, the new EU Special Representative, has had a brilliant start in Bosnia and Herzegovina. Let us give him our full support. He and I, as well as our offices, are working together well. I stand ready to continue to cooperate with him and all other actors, including the Security Council, for I firmly believe that as long as we remain united we will succeed.

We have come a long way in the past 20 years and invested a huge amount of energy and resources. Let us make sure we remain committed and complete our mission in Bosnia and Herzegovina successfully. It can be achieved.

The President: I thank Mr. Inzko for his briefing.

I shall now give the floor to the members of the Council.

Mrs. DiCarlo (United States of America): Let me begin by welcoming High Representative Inzko back to the Security Council. I also thank him for his comprehensive briefing and his service and support of the Dayton Peace Agreement.

The United States remains committed to the success of Bosnia and Herzegovina, where we and our

European Union (EU) allies have invested much over the 16 years since the signing of the Dayton Peace Agreement. We are very encouraged by the progress made in recent months, and hope to see the leaders of Bosnia and Herzegovina build upon that momentum to resolve the remaining obstacles on the path towards Euro-Atlantic integration, and to develop governing institutions that will deliver results for all citizens regardless of ethnicity.

I would like to make three points in reaction to High Representative Inzko's report (see S/2012/307).

First, the United States welcomes Bosnia and Herzegovina's significant progress on forming a national Government since the last report (see S/2011/682). We applaud the diligence with which the new Government has approached its responsibilities, including adopting a State budget and pursuing EU-required reforms. The Parliamentary Assembly's adoption of two key EU-required laws — the Law on State Aid and the Law on Population Census, Households and Apartments — also are welcome and critical milestones on the road to full European integration. With that goal in mind, we encourage Bosnia and Herzegovina's compliance with the European Court of Human Rights ruling in the *Sejdic-Finci vs. Bosnia and Herzegovina* case, which would allow the EU stabilization and association agreement to enter into force. The United States strongly supports the European Union's increasing engagement under EU Special Representative Peter Sørensen. The Office of the High Representative and the EU complement one another's important roles in helping the Bosnian people find a path forward. We welcome their excellent cooperation on the ground.

Secondly, we share the High Representative's positive views on the 9 March political agreement on principles to be used to resolve the issues of defence and State property. We urge Bosnia and Herzegovina to implement as soon as possible the defence property portion of the agreement, through registration of defence properties, in order to meet NATO's condition for participation in the membership action plan. The implementation of both State and defence property deals would complete two outstanding 5+2 objectives, bringing Bosnia and Herzegovina closer to meeting the Peace Implementation Council's criteria for closing the Office of the High Representative. Until the 5+2 criteria have been met, it is critical that that Office receive sufficient resources and political support to uphold its mandate under the Dayton Peace Agreement.

Thirdly, the United States remains steadfastly committed to preserving Bosnia and Herzegovina's sovereignty and territorial integrity. We remain deeply concerned by ongoing rhetoric challenging Bosnian sovereignty and attempting to roll back past reforms. The High Representative's latest report highlights continued nationalistic statements made by senior Republika Srpska officials acknowledging deliberate obstruction of Dayton institutions and referencing the dissolution of the State. Such statements do not help the country move forward and are unacceptable.

Rather than attack the Dayton Peace Agreement and the constitutional basis of the State, we hope that all parties will continue to engage in political dialogue with a view to serving the needs of all Bosnian citizens. In that regard, it is imperative that Bosnians work together responsibly in advance of October's municipal elections, to contribute to reconciliation and strengthen Bosnian democratic institutions.

As Secretary Clinton stated in July 2010, on the fifteenth anniversary of the Srebrenica genocide,

> "a prosperous, free and unified Bosnia and Herzegovina is the most worthy monument to those who lost their lives at Srebrenica, and the best guarantee against such a tragedy ever repeating itself".

Mrs. Le Fraper du Hellen (France) (*spoke in French*): I should like to thank Mr. Valentin Inzko, High Representative of Bosnia and Herzegovina, for his briefing. France certainly fully echoes his statement on the unity of the international community.

I would like to associate myself with the statement to be made by Mr. Mayr-Harting on behalf of the European Union.

A 15-month period during which an outgoing Government was only able to deal with daily business has come to an end in Bosnia and Herzegovina. The situation on the ground has remained calm and stable in spite of the nationalist rhetoric intended to challenge the sovereignty and territorial integrity of Bosnia and Herzegovina. Unfortunately, the process of reforming and strengthening the country's institutions lost momentum long ago.

As Mr. Inzko highlighted, however, the establishment of a Government led by Prime Minister Bevanda, the vote on the State Aid Law and the Census Law and the agreement reached on 9 March on principles to be used to resolve the issues of ownership and use of defence and State property are steps that have served to place the country back on track towards Euro-Atlantic integration. Progress has also been made towards establishing a budget for 2012 and a fiscal framework for the period 2012-2014.

Mr. Bevanda's statement during his swearing in speech that his country's European perspective and, in particular, the entry into force of a stabilization and association agreement would be his Government's priorities deserves our encouragement. We call on Bosnian authorities to pursue their efforts to bring their Constitution into line with the European Convention for the Protection of Human Rights and Fundamental Freedoms. We also encourage them to prepare for the local elections of 7 October as well as possible and to find lasting compromises for particular local situations, such as specifically that in Srebrenica.

I also welcome, as High Representative for Bosnia and Herzegovina Inzko has done as well, the efforts deployed since September by Mr. Peter Sørensen, European Union Special Representative and Head of its Delegation to Bosnia and Herzegovina, who has contributed to that country's progress towards a European future. The European Union's commitment is bearing fruit and must continue.

As in any other place where the Council is engaged, it is important that the United Nations adapt is presence to developments in the political and security situation. For its part, the European Union has understood that in adjusting its civilian and military presence. The Office of the Special Representative will be further strengthened this summer, in particular with regard to the rule of law. Contingents to the European Union Force and Operation Althea will be further reduced, with refocus on training and advice for Bosnian armed forces while of course retaining the capacity to take on tasks in support of Bosnian authorities, should that become necessary.

Taking into account that the security situation has been calm for several years now and that there has been progress on political dialogue and reforms, including moving towards the five objectives and two conditions established by the Peace Implementation Council (PIC) in 2008, there is justification for enhanced commitment by the European Union, and it calls for the continued reconfiguration of the international presence in Bosnia and Herzegovina.

The High Representative is the guarantor of peace agreements on behalf of the international community. His efforts and his dialogue with Bosnian political representatives have our full support. His mission and the resources available to him obviously have to develop in accordance with the situation. We trust that a first step in that direction will be taken when the PIC Steering Board meets in Sarajevo next week. A first step would be to decide on the end to international supervision on the Brcko district.

Five months after the European Union Council of Foreign Ministers adopted clear conclusions on reducing the size of Office of the High Representative in Bosnia and Herzegovina, on 5 December 2011, it is time to move on to action. We should recalibrate the work of the Office with a view to creating complementarity vis-à-vis the work of the European Union.

In conclusion, I would like to reassert our commitment to the independence, unity and territorial integrity of Bosnia and Herzegovina. Like other countries in the Balkans, that country has cast its sight towards the European Union and its values. As a Security Council member, it recently demonstrated that it is also a responsible member of the international community and of the United Nations. It has become an important factor in regional stability, as was shown by its hosting in April of the International Donors Conference on Durable Solutions for Refugees and Internally Displaced Persons. At a time when we have just commemorated, among other events, the sad anniversary of the beginning of the siege of Sarajevo, we can only be grateful for the road travelled since those terrible days.

Mr. Laher (South Africa): South Africa welcomes Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, to the Security Council once again, and we thank him for his comprehensive briefing.

We congratulate Bosnia and Herzegovina on the upcoming twentieth anniversary of its membership in the United Nations.

We have seen notable progress during the reporting period, which we hope will bode well in resolving outstanding issues in Bosnia and Herzegovina. South Africa is pleased that, after 16 months without a Government, the Council of Ministers was appointed by the House of Representatives on 10 February. We also welcome the signing of the agreement on 9 March on defence and State property. Those are positive developments towards addressing two of the outstanding objectives of the 5+2 agenda established by the Peace Implementation Council (PIC) Steering Board. We are hopeful that those important agreements will allow the country to focus on fulfilling the remaining obligations of the 5+2 agenda. In that regard, my delegation calls on all sides to actively engage in the completion of the process, which would result in the people of Bosnia and Herzegovina gaining full responsibility for their country.

It is our view that peace and stability in Bosnia and Herzegovina is dependent upon a number of elements. It is imperative that all parties respect the rule of law and the legal instruments that underpin the political structures in the country. The political leadership and the international presence should remain focused on recognizing the balance contained in the Dayton Peace Agreement and the subsequent political structures, and exert all efforts to ensure that this balance is respected and maintained.

My delegation has noted the adoption of the 2011 budget at the end of last year and encourages all parties to compromise and focus on adopting a budget for 2012 without delay, in order for the country to be able to begin to respond to economic challenges, including poor growth prospects and high unemployment.

We are reminded of the fact that the Dayton Peace Agreement should be replaced by a permanent constitution in Bosnia and Herzegovina. All parties should commit to constitutional reform, the purpose of which is to establish strong and representative State structures.

No considerable progress can be made in establishing lasting peace and stability without constructive dialogue among the many ethnic groups and entities, as well as between the various Bosnian structures and the High Representative. It is only through political dialogue that it will be possible to resolve outstanding issues, such as the reform of the Constitution and the adoption of the country's 2012 budget. A decision should also be made on whether the Office of the High Representative should be closed as soon as the outstanding objectives and conditions set by the PIC Steering Board are met.

Reconciliation should be the ultimate aim of continued dialogue. An essential aspect for reconciliation is a commitment by all parties to fight impunity by bringing to justice those accused of committing war crimes. We call on the Government to make resources available to the bodies authorized to carry out that task.

My delegation reiterates that reconciliation is jeopardized by provocative, divisive and nationalistic rhetoric and by actions aimed at undermining the sovereignty and territorial integrity of the Bosnian State and the authority of the High Representative. We call on all parties to refrain from actions that will further undermine State institutions and prolong the current tensions.

In conclusion, my delegation wishes to encourage all parties in Bosnia and Herzegovina to recommit themselves to the full implementation of their obligations under the peace accords and agreements. Political will is essential in moving forward the process of long-term peace, stability and reconciliation. South Africa remains dedicated to its task as a member of the Security Council to support Bosnia and Herzegovina in those efforts.

Mr. Wang Min (China) (*spoke in Chinese*): I would like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his briefing.

At the moment, the situation in Bosnia and Herzegovina is generally calm. China commends the progress made by Bosnia and Herzegovina in safeguarding peace, achieving national reconciliation, rebuilding the economy and establishing the rule of law. We welcome the agreements concluded by the parties through dialogue and consultation, the formation of the Council of Ministers and the signing of an agreement on the ownership of defence and State property.

China respects the independence, sovereignty, national unity and territorial integrity of Bosnia and Herzegovina. We also respect the choice of its people on the future of the country. We support the

harmonious coexistence of its many ethnicities in seeking common development. We hope that the country's various ethnic groups will proceed from a concern for the well-being of the nation and its long-term interests. We also hope that they will resolve their differences through dialogue and enhanced mutual political trust, promote national reconciliation, implement the comprehensive Dayton Peace Agreement and work towards accelerated progress in all areas.

China welcomes the efforts made by High Representative Inzko to promote the political process in the country. We hope that, in accordance with his mandate, he will continue to play a positive and constructive role in implementing the Dayton Peace Agreement. We have noted the decision to reduce the size of the European Union Force (EUFOR). We hope EUFOR will expand its support for the Armed Forces of Bosnia Herzegovina so that the country can soon assume comprehensive responsibility for safeguarding its sovereignty, security and stability.

Maintaining peace and stability in the country and promoting its economic and social growth are common interests of all parties concerned. At the same time, the question of Bosnia Herzegovina is complex and sensitive. It does not only involve the country itself, but also the peace and stability of the entire Balkan region. When dealing with this issue, the international community should exercise prudence and listen attentively to the views and concerns of all countries. China will work with the international community and continue to provide support and assistance, within our capacity, to help the country achieve lasting peace, stability and development.

Mr. Tarar (Pakistan): We would like to join other Council members in thanking High Representative Valentin Inzko for his report (see S/2012/307) and for his briefing this afternoon.

Pakistan is fully committed to the sovereignty and territorial integrity of Bosnia and Herzegovina. We therefore support all efforts to strengthen the State at the national level, while preserving the rights and privileges of all communal entities. It is important for all parties to recognize and abide by the international and legal frameworks for the division of power.

We welcome the positive developments and the progress achieved during the current reporting period, which have included the formation of the State-level Government and the adoption of the 2011 budget. The authorities should now focus on the economic development of the country, which, among other factors, was affected adversely by the long stalemate over the formation of the Government and over the adoption of the budget. Amid poor growth prospects, the country's deteriorating fiscal position and its high unemployment call for serious action by the authorities, supported by the international community.

The agreement reached on the principles to be used for resolving the issues of the ownership and the use of public and military assets is a significant development. We hope there will be progress on the implementation of the agreement, which requires the adoption of the necessary legal acts and the conclusion of separate inter-Governmental agreements.

Pakistan shares the concern expressed by the High Representative in his report over the trend of nationalist politics and the statements by some challenging the Dayton Peace Agreement, and in particular challenging the sovereignty and territorial integrity of the country. The reported legal and political actions challenging State-level institutions, competencies and laws, and challenging the authority of the High Representative, are also a cause for serious concern. Those developments can vitiate the atmosphere and undermine the prospects for long-term, peaceful coexistence. Challenges to the Dayton Peace Agreement and its institutional arrangements, as well as divisive rhetoric, should therefore be avoided.

We would urge the leaders of Bosnia and Herzegovina to resolve their differences through dialogue. The Office of the High Representative should play an enabling role in that regard. We take note of the fact that, while there were some signs of progress on two issues, none of the outstanding items, out of the five objectives and two conditions necessary for the closure of the Office of the High Representative, was fulfilled during the reporting period. Under the circumstances it is only logical and imperative that the High Representative continue his important work, supported by an Office with adequate resources.

Pakistan supports all efforts to ensure a safe and secure environment in Bosnia and Herzegovina and sincerely hopes that the political leadership will join hands, in a spirit of dialogue and cooperation, to overcome the political and economic challenges facing the country. We hope that we will see many more

positive developments by the time of the next report of the High Representative.

Mr. Cabral (Portugal): I would like to welcome the High Representative, Ambassador Valentin Inzko, and convey to him Portugal's appreciation and support for his important and demanding work and that of his Office, in the interest of peace and stability in Bosnia and Herzegovina. I also thank him for his very comprehensive report (see S/2012/307).

Portugal naturally shares the views expressed in the statement that will be made later by the observer of the European Union, but allow me to underline some issues of particular concern for my country.

Bosnia and Herzegovina has undertaken significant efforts to overcome the political impasse following the October 2010 elections, which affected the development of national policies, its progress towards meeting the 5+2 agenda to close the Office of the High Representative for Bosnia and Herzegovina, and its European Union and NATO integration. In that regard, the constructive attitude of the political leaders and the relevant authorities is much to be appreciated and encouraged so that the positive momentum towards the adoption of relevant reforms is not lost.

Among those reforms, the economic reforms are of particular importance, given the difficult situation of the country. In that context, we reiterate the urgent need to adopt the 2012 State budget and the 2012-2014 global fiscal framework, as they would contribute to the strengthening of Bosnia and Herzegovina's social and economic stability and, ultimately, to peace and security throughout the region. Challenges to the fiscal structure of Bosnia and Herzegovina at its different levels, as we have witnessed over the past months, directly threaten the operation and sustainability of the federal Government and risk creating new obstacles for a Government, and indeed for an entire country, that faces a very complex situation in that regard.

In conclusion, the international community, and notably the European Union, must continue to be fully engaged with Bosnia and Herzegovina. We welcome the reinforcement of the European Union presence in the country and we support the European Union forces, particularly the European Union Police Mission, the competencies of which will soon be assumed by the European Union Special Representative and by the European Union Force-Operation Althea, the mission and presence of which, we believe, continue to be of significant importance for Bosnia and Herzegovina. We also bear in mind the ongoing discussions on the reconfiguration of the international presence with a view to reflecting on the specific needs of Bosnia and Herzegovina and responding to them in an adequate, constructive and open-minded manner.

Mr. Loulichki (Morocco) (*spoke in French*): I would first like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for presenting his report (see S/2012/307) on the situation in Bosnia and Herzegovina and on the progress achieved in the implementation of the Peace Agreement. I assure him of our full support.

Today's Security Council debate is taking place at an important moment in the history of Bosnia and Herzegovina, because it coincides with the anniversary of the admission of the country to the United Nations. Mr. Inzko has described for us, with great eloquence and passion, the symbolism attached to that event.

The latest report of the High Representative comes at a time when national politics are difficult in Bosnia and Herzegovina, but there are nevertheless some significant and encouraging developments, from the formation of a new Council of Ministers to the adoption of the budget, the progress on the question of military and public assets and the adoption of laws on the census, public assistance and the distribution of property. Those developments reflect a spirit of dialogue, compromise and reconciliation, which we welcome. It is a spirit that augurs well for the future of the country and of the entire region. The progress to date, however, is unfortunately overshadowed by real threats, including those targeting the territorial integrity of Bosnia and Herzegovina, the cancellation of laws and regulations adopted at the federal level and the non-recognition of federal authorities by certain regions. Should they continue, such machinations threaten to undermine the efforts made in Bosnia and Herzegovina and by the international community since the Dayton Peace Agreement to put the country back on the path of peace, harmony and reconciliation.

We therefore call on the various protagonists in the Bosnian political arena to abstain from any word or act that might undermine the current process of national reconciliation or the efforts of Bosnian authorities to establish a viable and peaceful country. It is not in the interest of any community to exacerbate the tension and sow discord and divisiveness at a time

when Bosnia and Herzegovina needs unity and the support of the communities making it up in order to take up the vast challenges of reconstruction and development that it is facing.

As an ambassador accredited to Bosnia and Herzegovina between 1995 and 1999, I was able to take stock first hand of the extent of the destruction and suffering in the aftermath of the war, but at the same time I also witnessed the spirit of openness and tolerance and the love of life of the people. Morocco has always firmly believed in peace in that region and it has contributed thereto and will continue to do so. It is hard to establish such peace, and it will take a long time to consolidate it, but it is vitally necessary and beneficial for each of the peoples in the region.

The young Republic of Bosnia and Herzegovina has travelled a long way on the path to reconciliation and the establishment of a democratic State. All Bosnians feel protected by the rule of law. It is up to us to help this country by every means possible to build and develop.

Mr. Eick (Germany): I would like to join colleagues in thanking the High Representative for Bosnia and Herzegovina for his comprehensive and informative briefing.

Germany aligns itself with the statement to be made by the observer of the European Union (EU).

Seventeen years after a devastating war that put Bosnia and Herzegovina on the brink of violence and disintegration, the security situation remains calm and stable. We acknowledged that fact already during our last debate six months ago (see S/PV.6659). At that time, however, the country was in a state of political paralysis.

Today we can welcome significant improvements. The political process in the country has tangibly gained momentum. A new State-level Government has finally been formed, more than 15 months after the elections. With the budget for 2011, the country has started to regain its capacity to act at a fiscal level. The recent laws on State aid and on the census to take place in 2013 are equally important and prerequisites for the EU accession process. The decision on the distribution of State and military property between the State and the entities has laid the groundwork for the activation of Bosnia and Herzegovina's NATO membership action plan.

Germany commends Bosnia and Herzegovina's political leaders for beginning to overcome their differences and for cooperating constructively in the search for compromises. However, significant challenges still lie ahead. The most imminent is the long overdue implementation of the ruling by the European Court on Human Rights on the *Sejdic-Finci vs. Bosnia and Herzegovina* case, concerning the right of minorities to be elected to the Bosnian Presidency and to the second chamber of Parliament. A credible effort in that regard is the prerequisite for the next step towards EU membership, namely, the entry into force of the stabilization and association agreement with the European Union.

Bosnia and Herzegovina must remain firmly anchored on the reform track, not least to catch up with its neighbours on the path towards Europe. The responsibility lies first and foremost with Bosnia and Herzegovina's political leaders. They should place front and centre the interests of their country as a whole and the well-being of all of its citizens.

The European Union has the proven political will and the instruments necessary to support Bosnia and Herzegovina in that task. The EU approach is based on a clear and simple concept — in order to benefit from what the EU has to offer, Bosnia and Herzegovina needs to assume ownership of a comprehensive reform process that will, step-by-step, lead the country towards accession. Based on that approach, the EU Special Representative in Sarajevo has worked tirelessly to facilitate the positive developments of the past months.

Close and far-reaching monitoring and supervision by the international community was undoubtedly a necessity in the past. It has not succeeded, however, in creating incentives for politicians in Bosnia and Herzegovina to seek compromise solutions rather than advancing their nationalist agendas. Germany wholeheartedly welcomes the indispensable contribution to peace and stability in Bosnia and Herzegovina that the High Representative and his Office have made during the past 17 years.

It is now time, however, to focus on concepts and instruments that have shown to initiate positive developments, rather than on obsolete approaches. The EU perspective is finally occupying centre stage in Bosnia and Herzegovina; we can now afford to relieve

the Office of the High Representative of tasks that are fulfilled by the EU and its representatives on the ground.

With regard to the question of immunity from legal proceedings of present and former staff of the Office of the High Representative, we continue to favour a sustainable and comprehensive solution at some stage.

Let me conclude by underlining once again our commitment to a sovereign and united Bosnia and Herzegovina that enjoys territorial integrity, contributes to peace and stability in the region and is willing and able to conduct the EU accession process by its own strength.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): First of all, I would like to welcome Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and thank him for his briefing, to which we listened carefully.

We are committed to the Dayton Agreement and to defending and maintaining the sovereignty and territorial integrity of Bosnia and Herzegovina. We believe that it is vitally important for political leaders and the international presence to remain focused on the balance afforded by the Dayton Agreement and the subsequent political structures. We are sure that all of the parties to those agreements will continue to realize the importance of the achievements of the past 15 years and defend the General Framework Agreement for Peace. The Agreement is a living document whose meaning has evolved together with Bosnia and Herzegovina over time.

We would just like to make four comments on Mr. Inzko's report. First, we are pleased that the formation of the Government has been completed, albeit 15 months late. It is obvious that the resumption of a political dialogue is essential if tangible progress is to be achieved. During the stalemate, Bosnia and Herzegovina did not only suffer from political instability, but also from economic instability. In that regard, we trust that the important step of forming a Government will provide a basis for institutional progress and the groundwork for Bosnia and Herzegovina to become a stable, economically prosperous and democratic country. A clear example is the recent adoption, on a first reading, of the budget for 2012, particularly since it allocates resources for holding local elections this year and for the first census to be conducted since 1991 for the following year. We welcome the enactment of the country's Law on Population Census, Households and Apartments in Bosnia and Herzegovina in 2013. We believe it is important given the large number of people displaced since the war.

Secondly, we also have a positive view of the agreement adopted on 9 March on the principles to be used to resolve the issues related to the ownership and use of defence and State property. It should undoubtedly facilitate the achievement of the five objectives and two conditions necessary for the transition from the Office of the High Representative. We should take advantage of current political circumstances and encourage all parties to redouble their efforts to that end. We believe that at this stage of the settlement of the Bosnian conflict the time is ripe for transferring responsibility for the future of Bosnia and Herzegovina to Bosnians themselves.

That brings me to our third point, on Brcko district. We realize that it is vital to the stability of Bosnia and Herzegovina. We await with interest the forthcoming meeting of the Peace Implementation Council Steering Board next week. There are various issues to consider, in particular the possible adoption of a decision on terminating the supervision of Brcko. That requires an assurance that the local institutions are functioning effectively and reliably. Similarly, it also requires that the Arbitral Tribunal established under annex 2 of the General Framework Agreement for Peace be maintained as a mechanism for guaranteeing all the important and binding obligations imposed by the Final Award.

Fourthly, we should recall the fact that the Dayton Peace Agreement is supposed to be replaced by a permanent Bosnian constitution. We urge all the parties involved to focus once again on constitutional reform. Its goal is to establish strong and representative State structures. We note the establishment of the Parliamentary Interim Joint Committee for Implementation of the European Court of Human Rights ruling. We will follow with interest the results of that important undertaking.

As we can see, peace and stability in Bosnia and Herzegovina depend on various factors. The report (see S/2012/307) treats the twentieth anniversary of Bosnia and Herzegovina's independence and its unanimous admission to the United Nations as an opportunity for

reflecting on lessons learned and on the road still to be travelled. There is no doubt that the situation in Bosnia and Herzegovina and the region is better today than it was 20 years ago. The success of our mission will depend on whether all the parties, including the international community, respect the rule of law and the legal instruments that support the country's political structures.

Mr. Alzate (Colombia) (*spoke in Spanish*): Colombia thanks the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for his clear and detailed briefing on recent developments regarding the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina. Similarly, we would like to express our support for his work relating to annex 10 of the Agreement.

We would like once again to reiterate our support for the Dayton Peace Agreement and its annexes, which we believe paved the way for peace and coexistence in that important part of the world. We note with satisfaction that out of this has evolved a political dialogue among the parties, and progress has been made in areas such as the appointment of the Council of Ministers by the Bosnia and Herzegovina House of Representatives on 10 February. That is the spirit that we believe marks the path of reconciliation and lasting peace.

We are aware that progress still has to be made on other issues in order to achieve the five objectives and two conditions necessary for the closure of the Office of the High Representative. One step in that direction is the agreement on the principles to be used to resolve the issues of ownership and use of defence and State property, signed on 9 March by the leaders of the six political parties that make up the State-level governing coalition and ratified by the Council of Ministers on 21 March. The implementation of the agreement on defence property constitutes another step in Bosnia and Herzegovina's progress towards full participation in the membership action plan of the North Atlantic Treaty Organization, which is unquestionably a very important goal.

It is regrettable, however, that after several years have gone by, and despite the support that the international community has provided throughout the process, political actions and legal measures are still being put forward by regional entities that defy institutions and undermine the implementation of the Peace Agreement. It is a matter of concern that the constitutional order is contested by actions such as those seeking to repeal laws on the Court and the Prosecutor's Office of Bosnia and Herzegovina.

We therefore urge the parties to commit politically to ensuring that their administrative and legislative acts align with the State institutions established under the General Framework Agreement for Peace, and to end those that might weaken, duplicate or take over the competencies of State-level institutions, taking into account that strengthening institutions and peacebuilding are responsibilities that belong to the people and the authorities of Bosnia and Herzegovina as a whole.

No less prejudicial is the nationalistic rhetoric employed by some senior officials of those same entities, challenging the territorial integrity and unity of Bosnia and Herzegovina and alluding to the possible dissolution of the State. Once again, we call for the avoidance of any aggressive rhetoric and urge the parties to work to strengthen institutions and achieve a political solution to such differences, preserving the country's sovereignty and territorial integrity.

There are other issues, such as macroeconomic affairs, that while not peculiar to Bosnia and Herzegovina nonetheless require special attention in view of the deterioration of the country's financial situation, poor prospects for growth, unemployment levels and social problems associated with a difficult economic situation. One step towards dealing with such challenges has been taken with the Fiscal Council's progress on adopting a global fiscal framework for 2012-2014 for its budget. We are convinced that through hard work and leadership the authorities can overcome these and the other challenges I have mentioned. Colombia is determined to lend every support, in a spirit of cooperation and friendship, to their just desires for the peace and prosperity they deserve.

Mr. Kumar (India): At the outset, I would like to welcome High Representative Valentin Inzko to the Council and to thank him for his comprehensive briefing and for the report on the situation in Bosnia and Herzegovina (see S/2012/307).

It is a matter of satisfaction that there were positive political developments in Bosnia and Herzegovina during the reporting period. The parties reached a broad agreement that facilitated the

formation of a new Council of Ministers after nearly 15 months of stalemate following the October 2010 elections. The Presidency of Bosnia and Herzegovina has been meeting regularly and has taken a number of foreign policy decisions that should promote the country's eventual Euro-Atlantic integration.

It is also commendable that progress was achieved on a global fiscal framework and that two key European Union-related laws on State aid and the census were adopted. The agreement on unblocking the State-owned electricity transmission company was also a welcome development.

The joint declaration of the Ministers for Foreign Affairs of Bosnia and Herzegovina, Croatia, Montenegro and Serbia on cooperation to protect and promote the rights of refugees, returnees and internally displaced persons should serve as an important confidence-building measure. Such cooperation will not only promote regional cooperation but also facilitate those countries' common aspirations for Euro-Atlantic integration.

We have noted that none of the outstanding items among the five objectives and two conditions necessary for the closure of the Office of the High Representative has been fulfilled so far. However, we are glad that the 9 March agreement on State property and defence property has the potential for an acceptable and sustainable resolution of the issue of the apportionment of property that will meet two of the five objectives and two conditions. In addition, progress in the ongoing discussion on the future of supervision of Brcko can help to meet another of the five objectives.

We hope that the Bosnian parties will, in the spirit of compromise and maturity, continue their commitment to addressing fiscal problems so that the current trend of deteriorating economic prospects is reversed and the country returns to the path of high growth of the pre-recession years.

Through their continued presence in Bosnia and Herzegovina, the European Union and NATO military missions have played an important role by ensuring the safety and security of the country's citizens, even when the political situation has been tense. We commend those efforts.

As we have said in previous Security Council meetings, Bosnia and Herzegovina is a novel experiment in building a new nation from the rubble of a civil war that the peoples of the former Yugoslavia had to endure in the 1990s. It is never easy to build a multi-ethnic, multilingual, multicultural and multi-religious country. The problems discussed in the High Representative's report and briefing are those bound to be encountered on the path of building a nation inhabited by people of different faiths, ethnicities and languages. Our own experience over the last six decades has convinced us that, although the path towards building such a nation is long and arduous, the fruits are well worth the efforts.

Resolving the problems facing the Bosnian peoples therefore calls for patience, determination and mutual accommodation. Unilateral actions, mutual suspicion, rhetorical statements and violation of the General Framework Agreement for Peace will only vitiate the political and social atmosphere and delay the achievement of the peoples' goals. We would therefore urge the leadership of Bosnia and Herzegovina and the international community to persevere in spite of the problems encountered.

In conclusion, I would like to highly commend the work being done by High Representative Inzko in assisting the people and leadership of Bosnia and Herzegovina in their nation-building endeavours. We fully support his efforts.

Mr. Tatham (United Kingdom): I, too, welcome High Representative Inzko to the Security Council and thank him for his report (see S/2012/307). The United Kingdom would like to express its gratitude to the High Representative for the tireless and principled efforts he has undertaken to ensure the implementation of the General Framework Agreement for Peace and to promote stability and reform in Bosnia and Herzegovina.

We welcome the High Representative's assessment of recent developments and join him in welcoming Bosnia and Herzegovina's tentative steps forward on both European Union (EU) and NATO paths. In February, we finally saw the formation of a new State-level Government, focused on the common goals of EU accession and economic stability. We quickly saw positive results, with the passage of laws on State aid and the census. The Government of Bosnia and Herzegovina has made it a priority to secure the entry into force of the stabilization and association agreement with the European Union. It also hopes to

lodge a formal application for EU membership this year. Both are achievable if the remaining criteria are met. We join the High Representative in encouraging political leaders to demonstrate their commitment by delivering reforms through hard work and compromise.

We also welcome progress towards the completion of some of the five objectives and two conditions necessary for the closure of the Office of the High Representative. We urge the full implementation of political agreements on the registration of defence property and State property.

As the High Representative makes clear, it is early days in the life of the new Government, and progress remains fragile. Promises were made and not delivered on in the past. There are still signs of politicians putting their nationalist political agendas above the needs of the country and its citizens. Of particular concern are statements challenging the sovereignty and territorial integrity of Bosnia and Herzegovina, references to the dissolution of the State and attempts to refer to entities as States. Such statements are unacceptable and go against the interests of the people of Bosnia and Herzegovina. Those threats are a stark reminder of the continued importance of the High Representative's role in upholding the General Framework Agreement for Peace.

We also note the rising tensions related to municipal elections in October, in particular in Srebrenica and Mostar, and call on leaders from all parties and ethnic groups to refrain from divisive rhetoric that increases tensions and instead serve the interests of all people and promote reconciliation.

Twenty years since the start of the war in Bosnia and Herzegovina, it is important to remember the appalling human cost of that war and to commemorate its victims. But we must also recognize that Bosnia and Herzegovina today has much to be proud of and, looking forward, it is clear that 2012 is a year of opportunity for the country. In order to realize that, we need to see urgent progress towards implementing the judgement in the *Sejdic-Finci vs. Bosnia and Herzegovina* case, so that Bosnia and Herzegovina's EU stabilization and association agreement can enter into force.

We fully support the European Union's strategy for Bosnia and Herzegovina. EU Special Representative and Head of Delegation Peter Sørensen has done an excellent job. We commend his collaborative relationship with High Representative Inzko. There is no reason that the Office of the High Representative and the EU cannot work together in a complementary fashion, and every reason that they should do so.

The European Union should provide the incentives to lead Bosnia and Herzegovina forward and, in response to genuine progress, increasingly take the lead in the country, with the Office of the High Representative gradually reducing its presence. That Office will nevertheless retain a crucial role in upholding the Dayton Agreement until the 5+2 conditionality is met. In the meantime, the executive powers of the Office remain a crucial safeguard. We must not lose patience or rush into significant changes prematurely.

The United Kingdom strongly supports High Representative Inzko's assessment that the executive mandate of the European Union Force-Operation Althea continues to provide critical reassurance to the Bosnian people and that it plays a central role in supporting Bosnia and Herzegovina's own efforts to maintain a safe and secure environment. International safeguards against instability remain essential alongside a strong EU presence. We look forward to the Security Council renewing European Union Force-Operation Althea executive mandate for an additional year in the autumn.

Mr. Mbeou (Togo) (*spoke in French*): I would like to thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for his presentation of the biannual report on the situation in that country (see S/2012/307).

Togo welcomes the important political progress in Bosnia and Herzegovina, in particular the formation, on 10 February, of a central Government, more than 16 months after the general elections held in October 2010.

My country followed with great concern the ongoing political impasse that slowed the normal functioning of Bosnia and Herzegovina's institutions and led, in particular, to the slower implementation of the national and international obligations of that country. The compromise reached by the political leaders of the country is proof that, with political resolve, Bosnia and Herzegovina is able to meet the challenges facing it. The numerous actions undertaken by Bosnia and Herzegovina, including the adoption of

measures pertaining to the European Union integration process, show that a new momentum is at work and should be supported.

My country would also like to commend the progress made by political leaders towards achieving the five objectives and two conditions required for the closing of the Office of the High Representative, and the signing in March 2012 of an agreement that opens the way to the resolution of questions concerning the ownership of defence and State property. We hope that the relevant authorities, at their respective levels, will very swiftly take the appropriate measures to implement this agreement.

Moreover, we welcome the ratification on 30 March 2012 by Bosnia and Herzegovina of the International Convention for the Protection of All Persons from Enforced Disappearance. By this ratification, the country is committed to carrying out investigations to locate those who have disappeared, to prosecute the perpetrators of the disappearances, and to provide families of the disappeared with access to full compensation, which represents considerable progress in terms of combating impunity.

These major achievements should not lead us to ignore the remaining obstacles and challenges to building a truly functioning, multi-ethnic State. Indeed, according to the report, the political situation between the different communities remains tense, and the Dayton Peace Agreement is coming up against the desire of some leaders to strengthen the autonomy of their entity and to move towards independence, circumstances allowing, while others call for the creation of a third entity with a Croat majority.

In this respect, Togo deplores nationalist rhetoric that undermines central State institutions and the efforts of the international community to bring peace and stability to the country and the region as a whole. We continue to believe that only frank and sincere dialogue and the quest for compromise will lead to a lasting and definitive settlement of differences. That is why we invite all Bosnian political leaders to refrain from all unilateral and sectarian solutions and to combat extremism, religious hatred and violence, which destabilize the country. By the same token, Togo urges them to work together in order to adopt the reforms necessary to move the country onto the path towards greater national and regional integration. It is only in doing so that they will be able to ensure peace and prosperity for their citizens.

I would like to conclude by expressing my country's full support for the efforts of the High Representative in his mission in Bosnia and Herzegovina and to the civilian and military staff who work to promote respect for the Dayton Peace Agreement and stability in the country.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We welcome High Representative Inzko. We must unfortunately note that his analysis today and on previous occasions has not been objective. His analysis of the situation in Bosnia and Herzegovina is still tainted by a biased criticism of the leadership of the Bosnian Serbs.

For a more objective picture of the processes taking places in Bosnia and Herzegovina, we would recommend that members of the Security Council also read the seventh report of the Republika Srpska to the Security Council, in which the Bosnian Serbs' commitment to international law and the spirit of the Dayton Peace Agreement is self-evident. The points cited in the document clearly confirm the significant contribution made by Banja Luka to the positive progress made in the country, as noted in the High Representative's report (see S/2012/307). They also show that, in comparison with the Federation of Bosnia and Herzegovina, the Republika Srpska has developed more successfully in all areas, ranging from the economy to inter-ethnic reconciliation and respect for human rights.

We believe that the main responsibility of the international community at this stage of the Bosnian settlement is to transfer responsibility for the fate of Bosnia and Herzegovina to the Bosnians themselves. In practical terms, this means abolishing the Office of the High Representative, and to that end, returning to the five objectives and two conditions established by the Steering Board of the Peace Implementation Council.

We note that, for several years now, the security situation in Bosnia and Herzegovina has remained stable. This also reflects the maturity of the Bosnian State. In recent months, progress has been made in intra-Bosnian dialogue. The establishment of Bosnia-wide institutions has been completed. A compromise has been reached on the 2012 budget. The political leaders of Bosnia and Herzegovina have agreed to the terms and timetable for the allocation of property,

including defence property, between the State and the entities. Of particular importance is the recent agreement that the issue of ownership of State property is, in essence, the main condition that has yet to be met under the international community's five objectives and two conditions agenda, the implementation of which will enable the Office of the High Representative to be closed.

Despite the ongoing differences, dialogue is moving forward. This proves the Bosnian leaders' ability to find compromises to current problems on their own, without external involvement. In this context, we would underscore the Russian Federation's principled opposition to interference by the international community in the internal Bosnian negotiation process. Any external support to one side could undermine the fragile political balance in the country. This fully pertains to the demands made by the leaders of the Bosniak parties to amend the Electoral Law through a decision of the High Representative, bypassing the Dayton-mandated procedure. This is an attempt to extend the term of the temporary arrangements, enabling those citizens who do not live in the enclave of Srebrenica to vote in municipal elections in October 2012.

We are categorically opposed to the arbitrary use by the High Representative of his Bonn powers. Our fundamental position is that the use of emergency measures can be justified only in exceptional circumstances of gross violations of the Dayton Peace Agreement that are likely to destabilize the situation in Bosnia and Herzegovina.

We consider it realistic to contemplate the end in the near future of the supervisory regime in the Brcko district and the closure of a separate office of the High Representative. We believe that the pertinent decision should be taken at the forthcoming meeting of the Steering Board of the Peace Implementation Council on 22 and 23 May.

In this regard, we are concerned by the recent step taken by Mr. Izetbegović, current Chairman of the Presidency of Bosnia and Herzegovina, to ask the representatives of the member countries of the Steering Board of the Peace Implementation Council for a decision not to be taken in May on the closure of the mission in Brcko under the specious excuse that the district is apparently not able to function independently. This is acceptable neither in form or nor in substance. Mr. Izetbegović, in violating the Dayton Peace Agreement, has put forward his personal opinion, which does not conform to the positions taken by the other Governments of the constituent entities and conflicts with both the international and the intra-Bosnian dialogues.

We consider the possibility of strengthening the European Union (EU) military operation in Bosnia and Herzegovina as a step in the direction of closing down the Office of the High Representative. We welcome in this context the partition of the post between the High representative and the EU Special Representative. We are convinced that a precondition for the successful work of these two international presences in Bosnia and Herzegovina should be the strict respect of their mandates. We believe that they should not overstep their respective responsibilities.

We acknowledge the importance of incorporating amendments to the Constitution of Bosnia and Herzegovina in line with the ruling of the European Court of Human Rights on the *Sejdic-Finci vs. Bosnia and Herzegovina* case. A compromise is possible in this matter. We consider that decisions on key settlement issues should be taken in international forums such as the Security Council and the Steering Board of the Peace and Implementation Council.

The President: I shall now make a statement in my capacity as the representative of Azerbaijan.

At the outset, I would like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for presenting the forty-first report on the implementation of the Peace Agreement on Bosnia and Herzegovina (see S/2012/307).

Azerbaijan welcomes the progress registered during the reporting period, including the resumption of political dialogue and the conclusion of a number of significant agreements by the leaders of six political parties. The positive developments also included important steps towards meeting some of the objectives for the closure of the Office of the High Representative.

At the same time, we are concerned about a number of remaining threats to the General Framework Agreement for Peace. Azerbaijan condemns any action to challenge the sovereignty and territorial integrity of Bosnia and Herzegovina and attempts to roll back past

reforms related to the implementation of the Peace Agreement.

As the High Representative notes in his report, cooperation with the International Criminal Tribunal for the Former Yugoslavia was satisfactory during the reporting period.

The economic and social situation in the country is still complex. At the same time, we note with satisfaction that the economic data for 2011 showed some signs of improvement compared to 2010. We call on all political factions of Bosnia and Herzegovina to focus on its economic and development priorities.

We take positive note of the joint declaration signed in November 2011 by the Foreign Ministers of Bosnia and Herzegovina, Croatia, Montenegro and Serbia committing their respective Governments to cooperate in a spirit of good faith to protect and promote the rights of refugees, returnees and internally displaced persons, to end their displacement, and to enable them to live as equal citizens in those four countries. In that regard, it is of the utmost importance to address and to resolve all outstanding problems, in particular those relating to property, in a way as to ensure that the inalienable rights of returnees are fully guaranteed and implemented.

I resume my functions as President of the Council.

I now give the floor to His Excellency Mr. Thomas Mayr-Harting.

Mr. Mayr-Harting: I have the honour to speak on behalf of the European Union (EU). The acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Montenegro and Iceland; the country of the Stabilization and Association Process and potential candidate Albania; the European Free Trade Association country Norway, member of the European Economic Area; as well as Ukraine and the Republic of Moldova align themselves with this statement.

I would like to join other speakers in welcoming High Representative Valentin Inzko back to the Council.

We welcome the recent positive developments in Bosnia and Herzegovina and reaffirm our strong support for the country on its path towards European integration. We commend the relevant authorities and political leaders for their concrete efforts to take decisions in a spirit of compromise. After a prolonged period of stagnation, the European Union perspective has finally begun to dominate the political agenda. The European Union welcomes the formation of the State-level Government, as well as the adoption of the State Aid Law and the Census Law. The timely and proper implementation of those laws will not only facilitate further progress towards European Union membership, but also contribute to the peace, stability and prosperity of Bosnia and Herzegovina.

The momentum in Bosnia and Herzegovina is positive and must be maintained. In particular, Bosnia and Herzegovina needs to urgently bring its Constitution into compliance with the European Convention on Human Rights. The implementation of the ruling by the European Court of Human Rights in the *Sejdic-Finci* case would be a key element for the European Union to consider a membership application credible in the foreseeable future.

Among other goals, socio-economic reforms are also urgently needed. In that regard, we look forward to the adoption of the 2012 State budget and the 2012-2014 global fiscal framework, which are essential to the country's ability to develop growth-oriented policies, as well as to receive and utilize international economic and financial assistance, including the sizeable support provided by the European Union.

The European Union also welcomes and supports further progress in the implementation of the five objectives and two conditions, in line with the agreement, in principle, among the political leaders on defence and State property. The European Union expects the Peace Implementation Council Steering Board to take a decision on ending supervision of the Brcko district at its meeting next week. It is important to underline that it is the prime responsibility of Bosnia and Herzegovina's political leaders to achieve concrete and tangible progress, and thus allow for the further transformation of the international presence, including the Office of the High Representative.

The European Union looks forward to continuing discussion with the international community on the reconfiguration of the international presence, including its downsizing and the possible relocation of the Office of the High Representative, in the appropriate forum. In that regard, it notes the ongoing discussions on

overlapping tasks between the Office of the High Representative and the European Union.

The European Union has recently strengthened its engagement and political presence in Bosnia and Herzegovina so as to facilitate its progress towards European integration. The new single European Union Special Representative and head of delegation, Peter Sørensen, who leads the support for Bosnia and Herzegovina in EU-related matters, has increasingly engaged with its authorities and political leaders.

The two crisis management missions on the ground are also an expression of the European Union's commitment. First is the European Union Police Mission, which will be closed by the end of next month and whose remaining strategic tasks will be transferred to the European Union Special Representative and a technical assistance programme. The second mission is the EU-led force (EUFOR) Operation Althea, which remains an important element of the European Union's overall strategy for the country. Operation Althea continues to focus on capacity-building and training, while maintaining situational awareness and a credible reserve, in case it is called upon to support efforts to maintain or restore the safe and secure environment, as stipulated by resolution 2019 (2011).

The overall security situation in Bosnia and Herzegovina remains stable. Security and political stability need to be maintained during the upcoming electoral period. In that regard, the European Union encourages Bosnia and Herzegovina's political representatives to continue to act in a spirit of compromise, to work for the long-term interests of the country, and to refrain from divisive rhetoric and actions that harm the interests of the citizens.

We stand fully behind the authority of the High Representative and welcome the close cooperation with the European Union Special Representative. Moreover, we reiterate our unequivocal commitment to the territorial integrity of Bosnia and Herzegovina as a sovereign and united country.

Bosnia and Herzegovina has travelled far since the end of the war in the 1990s. Its ongoing transformation away from reliance on an international presence into a position of being a responsible and contributing member of the international community, as represented by its 2010-2011 participation in the work of the Council, is primarily a Bosnia and Herzegovina-owned and -led process. The European Union will proactively continue to support progress towards a stable, viable, peaceful, multi-ethnic and united Bosnia and Herzegovina cooperating peacefully with its neighbours and irreversibly on track towards membership of the European Union.

The President: I give the floor to the representative of Serbia.

Mr. Starčević (Serbia): It is a pleasure to see the representative of friendly Azerbaijan in the chair of the President of the Security Council. At the outset, allow me to welcome Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and to thank him for his report (see S/2012/307).

On this occasion too, I wish to point out the consistent respect of the Republic of Serbia for the Dayton Peace Agreement as the basis of stability in Bosnia and Herzegovina and the whole region of the Western Balkans. Serbia is committed to the territorial integrity and sovereignty of Bosnia and Herzegovina and to non-interference in its internal affairs. We shall support any agreement on the change of the internal system defined by the Dayton Agreement so long as it is reached by full consensus between the two entities and the three constitutive peoples.

We expect that the recently completed process of the establishment of all governmental bodies in Bosnia and Herzegovina will make an additional contribution to stabilization in Bosnia and Herzegovina and give impetus to its faster European integration.

Serbia welcomes the decisions adopted recently in Bosnia and Herzegovina and deems them important steps forward on that country's road to the European Union. We believe that additional, concrete encouragement from the European Union is needed to further stabilize the situation in the country.

We appreciate and are very pleased by the fact that Belgrade was the destination that Bosnia and Herzegovina's Foreign Minister Zlatko Lagumdžija visited on his first trip abroad. On that occasion, the two countries reiterated the importance they attach to bilateral relations and expressed their desire to promote further comprehensive advancement of their relations and cooperation. We are ready to continue to promote cooperation with Bosnia and Herzegovina in the exchange of experiences and in rendering reciprocal support with respect to European integration in order to

achieve our common goal of joining the European family of nations.

In our opinion, sustainable solutions can be achieved only through dialogue and compromise between the two entities and the three constitutive peoples. We believe that the international community should treat relations between the three constitutive peoples of Bosnia and Herzegovina with great care and respect for their interests. Serbia encourages all sides in Bosnia and Herzegovina to invest additional efforts in reaching sustainable solutions on all outstanding issues.

We consider it counterproductive to criticize one of the entities and to label it as anti-Dayton when the representatives of the people of that entity are sometimes vocal in their reactions to situations that they consider detrimental to the rights of their people. Further detailed analyses are needed in such situations in order to find proper solutions. The unilateral use of such situations in an attempt to effect potentially punitive measures will certainly not help to build confidence or to improve the functioning of institutions in Bosnia and Herzegovina.

Serbia has demonstrated its full readiness to confront the past and to contribute to the better future and well-being of the region. It has done everything necessary in that respect. In our view, all war crimes committed in the territory of the former Yugoslavia must be prosecuted in order to establish lasting stability and reconciliation in the region.

We believe that steps should be taken towards closing the Office of the High Representative and terminating the so-called Bonn powers, because the legitimately elected representatives of all peoples and entities have the ability and capacity to take over the responsibility for independently managing the affairs of the State.

Serbia is developing its relations with the Republika Srpska on the basis of the Agreement on Special Parallel Relations, but we are concentrating at the same time on strengthening relations with the Federation of Bosnia and Herzegovina. By actively participating in and chairing numerous regional initiatives, the Republic of Serbia has confirmed its commitment to regional cooperation. Successful cooperation with Bosnia and Herzegovina within, among others, the South-East European Cooperation Process, the Central European Initiative, the Regional Cooperation Council and the Adriatic-Ionian Initiative contributes to further strengthening good-neighbourly relations and to the common European future.

Serbia is fully committed to the achievement of a just, comprehensive and sustainable solution to the problem of refugees. We commend the excellent organization of the International Donors Conference on Durable Solutions for Refugees and Internally Displaced Persons, organized in Sarajevo on 24 April. The Conference fulfilled the expectations of all participants and is a good example of the successful cooperation of the four countries of the region — Bosnia and Herzegovina, Croatia, Montenegro and Serbia — in achieving lasting housing solutions for the most vulnerable refugees, with the assistance of international organizations and the donor community. This will no doubt contribute to the promotion of good-neighbourly relations and the achievement of lasting stability and reconciliation in the region.

The President: I give the floor to the representative of Croatia.

Mr. Vilović (Croatia): Let me extend our welcome to Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and thank him for his briefing and his report (see S/2012/307). Croatia aligns itself with the statement of the European Union (EU), but I would like to deliver a statement in my national capacity as well.

Reflecting on the past six months since the last report of the High Representative (see S/2011/682), our general conclusion is that while there are still reasons for concern with the pace of progress of important political and economic processes in Bosnia and Herzegovina, there have also been important and encouraging developments.

The meeting of six political parties in Banja Luka on 9 March yielded tangible political results regarding the distribution of defence and State property. Croatia reads the successful agreement on the principles to be used in resolving the property distribution issue as a demonstration of political will and commitment to the processes of Euro-Atlantic integration. We welcome this breakthrough as an encouraging message to the North-Atlantic Alliance in view of the forthcoming Chicago summit. Croatia is convinced that a clear perspective on NATO membership is of the highest importance to the further strengthening of Bosnia and Herzegovina. At the same time, the positive or negative

impact of Bosnia and Herzegovina's stability on the region of South-East Europe and beyond should not be underestimated.

The six parties of the State-level governing coalition also discussed on 9 March the constitutional changes that need to be undertaken for compliance with the verdict of the European Court of Human Rights in the *Sejdic-Finci* case. Despite the current absence of concrete results, we can acknowledge that the leaders recognized the importance of that issue and that they succeeded in agreeing on the basic principles that would have to be respected. We are hoping for concrete results at tomorrow's meeting in Mostar. An agreement on constitutional changes that would substantially address the identified weaknesses of the election system would make a major contribution to the political stability of Bosnia and Herzegovina.

The progress of 9 March, however limited, creates momentum, and the international community should strongly encourage Bosnia and Herzegovina to maintain its level of demonstrated effort and commitment. It is our strong belief that this encouragement should take the form of constant attention and support, especially in the Euro-Atlantic integration process, as that path provides the best framework for strengthening institutions, the rule of law and democratic life itself. The integration process should take into account all the specificities of Bosnia and Herzegovina and respect the basic principle of the country's political existence, namely, the equality of the three constitutive peoples and all its citizens. Politicians in Bosnia and Herzegovina, as well as representatives of the international community, have acknowledged that Croats, as one of the three constitutive peoples of Bosnia and Herzegovina, do not enjoy the same level of institutional rights as the other two, and have expressed their willingness to work towards solutions that would remedy that situation.

We strongly support all developments that would ensure that every citizen of Bosnia and Herzegovina feels equally protected and respected throughout the country's territory. We particularly encourage further energizing the process of the return of refugees to their pre-war homes. Unfortunately, there is still ground for concern when it comes to the atmosphere and language in the public space, especially calls for separatism or any kind of extremism. Such language should not be tolerated, and the international community should send that message very clearly.

We are also concerned by the lack of full functionality of institutions and of coordination between the two entities, which are prerequisites for the advancement of the European Union (EU) integration process. Croatia strongly supports a more robust presence of the European Union mission in Bosnia and Herzegovina, as well as all efforts that contribute to the further harmonization of laws and practices within Bosnia and Herzegovina and with the European Union.

Croatia and Bosnia and Herzegovina are two neighbouring and friendly countries with significant trade relations and a long common border that will soon become the longest external border of the European Union. In recent months, we have witnessed increased dynamics in political contacts, ranging from meetings by Croatian President Ivo Josipović with his counterparts to the first official visit to Bosnia and Herzegovina by the new Croatian Prime Minister Zoran Milanović in February, which was followed by direct working meetings at the line ministry level. In all bilateral exchanges, Croatian officials encouraged greater coordination and support of EU efforts to assist Bosnia and Herzegovina in reaching European standards and, in a constructive spirit of cooperation, in finding ways of mitigating any possible negative consequences of Croatia's future membership in the EU on Bosnia and Herzegovina's economy and society.

Our own experience tells us that the process of European integration goes hand in hand with the process of institution-building, and we are confident that it will enhance Bosnia and Herzegovina's stability and cohesion. Croatia has already started to share its unique know-how with the leadership, State administration and citizens of Bosnia and Herzegovina. For that reason, we proposed to Bosnia and Herzegovina a treaty on Euro-Atlantic partnership, covering many areas of cooperation. For many of the activities involved, Croatia and Bosnia and Herzegovina will seek wider support and collaboration.

Let me conclude by stressing that Bosnia and Herzegovina is a country with a burdened history and a complex political system. Admittedly, it requires the ongoing attention and support of the international community. However, Croatia intends not to assume a mentoring role, but rather to encourage the democratic process to develop from within, as that is the only way to reach long-lasting stability and prosperity for Bosnia

and Herzegovina and for the region of South-Eastern Europe as well.

The President: There are no further names inscribed on my list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4:55 p.m.

United Nations S/PV.6772

Security Council

Sixty-seventh year

Provisional

6772nd meeting

Wednesday, 16 May 2012, 11 a.m.

New York

President:	Mr. Mehdiyev	(Azerbaijan)
Members:	China	Mr. Wang Min
	Colombia	Mr. Osorio
	France	Mr. Briens
	Germany	Mr. Eick
	Guatemala	Mr. Morales
	India	Mr. Kumar
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Karev
	South Africa	Mr. Mashabane
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Tatham
	United States of America	Ms. Rice

Agenda

The situation in Libya

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

12-34157 (E)

Please recycle

The meeting was called to order at 11.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Moreno-Ocampo.

Mr. Moreno-Ocampo: It is my honour to present my third briefing to the Security Council on the activities of the Office of the Prosecutor of the International Criminal Court on the situation in Libya in furtherance of resolution 1970 (2011).

At the meeting when I first briefed the Council (see S/PV.6528), I emphasized the importance of the Council's consensus adoption of resolution 1970 (2011) and announced that we would request arrest warrants in subsequent weeks. That significant consensus greatly enhanced the cooperation my Office has received and allowed it to present a first case in the space of a few months.

When I briefed the Council for the second time (see S/PV.6647), we explained that the arrest warrants issued by the judges on 27 June detailed the crimes committed against civilians in Tripoli and other areas under the control of Al-Qadhafi. The judges concluded that in order to stop the crimes and protect civilians it was necessary to arrest the three individuals identified as the most responsible: Muammar Al-Qadhafi, Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. The Office informed the Libyan authorities that, should they decide to prosecute the same individuals for the same crimes under investigation by the International Criminal Court (ICC), they should submit an admissibility challenge that would be decided by the ICC judges.

Today, I inform the Council that the Libyan authorities have arrested Saif Al-Islam Al-Qadhafi and presented such a challenge. The application was filed on 1 May and notes that, on 8 January 2012, the Libyan Prosecutor-General commenced an investigation of serious crimes, which include murder and rape, allegedly committed by Saif Al-Islam Al-Qadhafi during the 2011 revolution, including in the period between 15 and 28 February 2011. The filing also states that the Libyan Government is committed to attaining the highest international standards both for the conduct of its investigations and any eventual trials.

Libyan authorities also said that Saif Al-Islam has been kept in adequate conditions of detention, provided with sufficient and good quality food, and given access to the ICC and the option of retaining a domestic lawyer of his choosing. He has also received visits from the International Committee of the Red Cross, non-governmental organizations and family members, been provided with proper medical and dental care, and not been subject to physical abuse. That is what the Libyan Government presented to the judges.

Following the submission of the Libyan admissibility challenge, the Pre-Trial Chamber requested observations from different parties to the proceedings, as well as from the Security Council. Rule 59 of the ICC rules of procedure and evidence provides that those who have referred a situation, in this case the Security Council, must be notified of the challenge and may in response make representation on the jurisdictional challenges. The Registry has transmitted the notification through a note verbale to the Secretary-General.

This is the first time in the brief history of the International Criminal Court that a State has requested jurisdiction to conduct a national investigation against the same individual and for the same incidents under investigation by the International Criminal Court. The challenge goes to the heart of the system of justice established in 1998 by the Rome Statute. National States have the primary obligation to conduct proceedings and the International Criminal Court intervention shall be complementary. The Prosecution will present its observations on this admissibility challenge, as requested by the Pre-Trial Chamber, on 4 June.

Let me be clear. There are no doubts on the legal principles. The Rome Statute is based on the primacy of national proceedings. As mentioned on numerous occasions in relation to Darfur and other situations, the

Office will not evaluate the Libyan judicial system as a whole. The Office will check the factual situation in accordance with the Statute's requirements, which include the intervention of an independent and impartial judiciary. The Security Council may decide to present observations, but this is a judicial issue that will be decided by the judges of the Pre-Trial Chamber.

Abdullah Al-Senussi was also arrested on 17 March 2012 by Mauritanian authorities. He is subject to extradition requests from France and Libya, as well as a request for surrender from the International Criminal Court. Mauritania shall decide.

My Office continues to collect evidence in relation to a second case in Libya on gender crimes committed against men and women alike. The United Nations Commission of Inquiry's findings confirmed the commission of those crimes. My Office is mindful of the sensitivity surrounding rape in Libya and has adopted a strategy to limit the exposure of victims by focusing on obtaining evidence from doctors and soldiers. The investigation is progressing.

The report of the Commission of Inquiry issued on 2 March 2012 (A/HRC/17/44) presents a comprehensive view of the crimes committed in Libya. There are thousands of allegations of crimes committed by Al-Qadhafi forces and thousands of individuals allegedly involved in such crimes who are in detention. Many of them are still not under the jurisdiction of the national authorities and allegedly subjected to mistreatment or torture by rebel forces. There are also allegations of crimes committed against civilians in Tawergha, and questions remain to be answered about the circumstances of the death of Muammar Al-Qadhafi.

Additionally, the United Nations Commission of Inquiry found that NATO did not deliberately target civilians in Libya. Of a total of 25,944 air strikes and 7,642 air-to-surface weapons employed, the Commission cited evidence with respect to five air strikes that reportedly produced civilian casualties. The Office of the Prosecutor takes due note of the Commission of Inquiry's findings. The Office has no jurisdiction to evaluate the proper scope of the NATO mandate in relation with resolution 1973 (2011), but the Office is requesting further information about those five incidents identified by the Commission of Inquiry.

The Government of Libya has committed to a comprehensive strategy to address all crimes and end impunity in Libya. While the Government faces challenges on many fronts, that comprehensive strategy must remain a priority if the Government is to show that impunity will no longer be tolerated. The strategy must address as a priority the transfer to the central authorities and the screening of thousands of detainees, the investigation of whether allegations of crimes by those detainees where warranted, measures to ensure justice for the victims and the release of those against whom there is no basis for investigation.

Allow me to share with the Council a personal experience I had when I visited Tripoli. I was in the lobby of my hotel and a man approached me and showed me his nine-year-old son. He said that he had been exposed on television holding a flag of the rebellion, and then the Al-Qadhafi forces targeted him, captured him and raped him in a tank. He was able to trace the perpetrator, who was arrested. That is why I find it relevant to tell this story. It was one of the many thousands of cases that the authorities had to deal with. But the authorities released the man, because there was no evidence and no witnesses against him. The father asked me what he should do. He had weapons; should he kill the man? But he said he did not want to be a killer. He only wanted justice for his son. This was just one example of the thousands of similar problems that Libya will have to face in the coming months.

At the same time, all unofficial and unacknowledged detention centres should be dismantled and all possible steps taken to curb mistreatment or torture. The Government of Libya has expressed its commitment to conducting investigations and prosecutions to address the most serious crimes committed by all sides. The Government of Libya has adopted a transitional justice law creating a fact-finding and a reconciliation commission that could contribute to strengthening the rule of law in the country.

My Office will fulfil its mandate to investigate those who bear the greatest responsibility for the most serious crimes under the jurisdiction of the International Criminal Court, while respecting genuine national proceedings. The Office will monitor Libya's national proceedings closely. My Office is also gathering information about the activities outside Libya of high-level Al-Qadhafi officials who were allegedly involved in Rome Statute crimes and who reportedly continue to seek to destabilize the situation in Libya.

I would like to conclude by emphasizing again the importance of the adoption by consensus of resolution 1970 (2011), which defined the need to do justice in Libya to ensure peace and security. Such consensus was also expressed during my previous briefings and in the recently adopted resolution 2040 (2012), which states that the Council is

> "[l]ooking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law" (*resolution 2040 (2012), fourth preambular paragraph*).

This commitment to justice and the rule of law plays a crucial role in the current post-conflict situation; it provides a framework for the national authorities to act. Recently, during my April visit to Tripoli and Misrata, members of the National Transitional Council and of the Libyan public expressed their deep appreciation for the decisive intervention of the Security Council and the International Criminal Court. They started the rebellion, requesting justice for the crimes committed in Abu Salim prison on 29 June 1996, because they believed that, under the Al-Qadhafi regime, there would be no justice in Libya. Now, the Government has expressed both its gratitude and its conviction that it should seize this historical moment to provide justice for all Libyan victims. They believe in that possibility.

My Office remains committed to working with the Government of Libya and with the Council to maintain this common effort and to ensure that justice for all of the victims of Libya is achieved.

The President: I thank Mr. Moreno-Ocampo for his briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mr. Tarar (Pakistan): Let me begin by thanking Mr. Moreno-Ocampo for his briefing today. We have taken note of his third report to the Security Council, submitted pursuant to paragraph 7 of resolution 1970 (2011).

At the outset, I should like to mention that Pakistan is not a signatory to the Rome Statute or a member of the International Criminal Court (ICC). However, we acknowledge the rights and obligations of the States members of the ICC.

The situation has evolved in recent months. The two remaining individuals for whom the Court had issued warrants of arrest have been apprehended. We have also noted the admissibility challenge filed by the Government of Libya regarding one case under article 19.2(b) of the Rome Statute. We take note of the desire of the Libyan authorities that the two individuals should be tried by Libyan courts.

The Pakistan delegation has also noted that the Prosecutor has implemented article 19.7 of the Rome Statute by suspending the investigation into Mr. Saif Al-Islam Al-Qadhafi activities until such time as the Court makes a determination on the issue of admissibility. We also take note of the fact that, in accordance with the principle of complementarity, the Rome Statute clearly establishes that the International Criminal Court is meant to be complementary to national jurisdictions and that primacy is to be given to national action. That point was also made by the Prosecutor in his briefing today.

We therefore hope that the request of the Libyan authorities to investigate and try these individuals will be considered positively. We look forward to a decision of the judges of the Pre-Trial Chamber on the admissibility of the case before the ICC. In case the trials of these individuals are conducted in Libya, the Libyan authorities must guarantee that their legal rights will be protected and that due process of law will be respected. As regards investigations initiated by the Court concerning other alleged crimes committed in Libya, we expect that the Prosecutor will conduct thorough and impartial investigations.

Let me conclude by recalling that the overall objective of the Council and the international community is to promote durable peace and stability in Libya in the best interests of the Libyan people.

Ms. Rice (United States of America): We would like to thank the Prosecutor of the International Criminal Court (ICC) for his briefing on the work of his Office and actions taken pursuant to resolution 1970 (2011).

As we have consistently noted, resolution 1970 (2011) and its referral of the situation in Libya to the International Criminal Court represented an historic milestone in the fight against impunity. The Security Council's unanimous decision to refer the situation underscored the importance of the role of justice and accountability in the resolution of conflicts and

maintenance of international peace and security. The referral has served to keep accountability and the rule of law as key elements of Libya's transition to a peaceful and democratic future.

We are pleased with the Prosecutor's report that his Office has received a high degree of cooperation from a variety of States and other actors in response to requests for assistance from the ICC. As the Prosecutor described in his briefing, Libya recently filed an admissibility challenge with the Court on the grounds that it is actively investigating Saif Al-Islam Al-Qadhafi for the same and different crimes as the ICC. Libya has also detailed the steps it has taken to conduct that investigation and has stated its commitment to adhering to international standards in the process.

This is an important moment, both for Libya and for the Court. The Rome Statute of the ICC is predicated on a system of complementary justice and contains provisions to deal with situations in which a State with jurisdiction wishes to pursue charges itself. In this regard, we are encouraged by the Prosecutor's report of the ongoing cooperation his Office has received from Libya. That having been said, as the Prosecutor notes, ultimately it will be for the judges to decide whether to defer to Libyan proceedings.

As the ICC proceedings move forward, we will continue to encourage the Government of Libya to maintain its cooperation with the Court and to adhere to its international obligations, including under resolution 1970 (2011). In addition, we continue to emphasize that it is critical that Libya take all necessary steps to ensure that the detention of and any further domestic proceedings against Saif Al-Islam Al-Qadhafi fully comply with Libya's international obligations.

Moreover, there is much work to be done domestically in Libya not only to account for the grave crimes committed in the past, but also to ensure a functioning justice system for the future. It is vital that Libya build a fair and credible criminal justice system that guarantees humane treatment and due process and conforms to Libya's international human rights obligations.

We agree with the Prosecutor that the Government of Libya faces critical challenges in assuming custody over the thousands of detainees that continue to be held by militias or local authorities, and in arranging for their expeditious release or the adjudication of their cases. The international community should respond to the needs of the Libyan Government as it approaches that significant administrative, logistical and judicial task.

We are deeply concerned by the patterns of rape documented by the International Commission of Inquiry, as highlighted in the Prosecutor's report. For the sake of the individual victims and in order to achieve a lasting and inclusive peace in Libya, sexual and gender-based violent crimes must not go unpunished. It will be important to ensure that there is accountability for violations and abuses of applicable laws committed in Libya by all sides, including for alleged attacks committed against civilians for their perceived loyalties to the Al-Qadhafi regime. Impunity for such crimes cannot be reconciled with respect for human rights and the rule of law.

Independent and impartial investigations of all alleged crimes will be a critical part of the effort to create an inclusive, democratic State in which all Libyans, of all backgrounds, have a future and an opportunity to participate in the rebuilding of their country. We are pleased to hear that the Government is working on a comprehensive strategy to address those issues, and we support the Ministry of Justice's expressed commitment to justice-sector reforms. We welcome the Government of Libya's statements in its submission to the ICC that it is receptive to assistance and support from the international community in that important work. We are working with the United Nations Support Mission in Libya and the international community to assist the Libyan authorities in addressing those justice-sector reform goals.

Mr. Karev (Russian Federation) (*spoke in Russian*): We would like to thank Mr. Moreno-Ocampo for his briefing and his third report on the situation in Libya pursuant to resolution 1970 (2011).

We support the efforts of the International Criminal Court (ICC) to investigate all those who participated in illegal acts during the events in Libya. There is sufficient information to show that crimes were committed both by persons from the Al-Qadhafi regime and by rebels. However, we have not yet heard of any prosecutions of Al-Qadhafi opponents, including those involved in exacting revenge against the former Libyan leader. Questions also remain with regard to possible crimes committed by senior officials

of States involved in the NATO-led operation. All cases of disproportionate or indiscriminate use of force during the conflict leading to civilian casualties should be investigated.

The Prosecutor's remit includes determining whether any crimes were committed by any of the parties to the conflict, so as to ascertain whether there are indications of criminal acts such as crimes against humanity and war crimes. In that context, we deem it important to continue to evaluate the data received from the Human Rights Council's Commission of Inquiry, non-governmental organizations and other quarters so as to look into the future work of the International Criminal Court based on resolution 1970 (2011).

We take note of the expressed desire of Libyan authorities to prosecute Saif Al-Islam Al-Qadhafi, including assurances of the commitment of Libya's Government to the highest standards of justice. We believe that prosecuting the most serious crimes under international law is first and foremost the responsibility of the particular State concerned. The jurisdiction of the ICC complements, but does not replace, national jurisdiction.

It is also clear that Governments are not always in a position to tackle this on their own. One particular obstacle to doing so could be the absence in a country of a viable judicial system functioning in line with international standards. In this case, however, the primary issue is whether Libyan authorities are taking real steps to investigate the crimes committed. We are seriously concerned about reports from the country of the aftershocks of the conflict resulting in violence and additional crimes being committed.

We once again underscore the importance of upholding the appropriate legal guarantees when meting out justice in the post-conflict stage. In our opinion, the ICC must facilitate the implementation of that. We are closely following the work of the ICC in that area.

Mr. Cabral (Portugal): I also wish to thank Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC) for his report and for comprehensive briefing today. I want also to commend him for the work under way and for the efforts that his Office is undertaking to establish the truth and investigate all facts and evidence relevant to assessing criminal responsibility under the Rome Statute.

In that regard, we welcome the close cooperation that the Prosecutor's Office continues to benefit from the Office of the United Nations High Commissioner for Human Rights, as well as the synergy between the Office and the United Nations Commission of Inquiry, as stressed in the Prosecutor's report. We also welcome the contacts that the Office continues to maintain with Libyan authorities, the Government's expressed support to the Court and the acknowledgement of the positive role that the ICC plays in preventing further violence in the country.

Portugal stresses the importance of accountability and the need to fight impunity for serious violations of human rights. Those are universal goals that guide the United Nations and are at the core of the international community's concerns.

We thank the Prosecutor for his update on the cases of Muammar Al-Qadhafi, Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. The information provided highlights the procedural steps undertaken to bring to justice the last two accused and the various contacts between the Office and Libyan authorities, as well as with other relevant entities, to ensure that they will be brought to trial. We shall follow closely future developments on those procedures, bearing in mind the important role that the Statute confers upon the Court in deciding the admissibility of the case against Saif Al-Islam Al-Qadhafi following the procedural challenge filed by the Libyan Government. We fully trust the Court in its evaluation of the situation in order to make sure that the trial is undertaken in full compliance with international standards. Likewise, we have the same expectation concerning the case against the other accused and the need for his prompt presentation for trial.

We also thank the Prosecutor for the information provided on the ongoing investigations. We look forward to further developments concerning the investigation of gender crimes and the two patterns of rape identified in the report (A/HRC/17/44) of the Commission of Inquiry. In that respect, we appreciate the concern of the Office in ensuring the protection of victims during its investigative efforts, thus preventing situations where victims could be further victimized through exposure and retaliation.

The report gives us a disturbing account of other serious violations identified in the Commission of Inquiry's report as having been committed in Libya,

during and after conflict, which are now under the scrutiny of the Prosecutor's investigation. Violations of human rights and international humanitarian law are violations irrespective of whoever may be found responsible for them. Acts of retaliation are inadmissible, and every person has the right to a fair trial. Cases of arbitrary arrests and enforced disappearances must stop and be accounted for. The same applies with regard to acts of retaliation against civilians believed to be Al-Qadhafi loyalists, such as suggested by the actions against Tawerghan civilians identified in the report. Those are serious findings that, if proven, must be accounted for. Under the ICC's jurisdiction, no amnesty is possible for war crimes and crimes against humanity.

In conclusion, we look forward to a full and complete investigation of allegations of all serious crimes committed in Libya. We encourage the Prosecutor and his Office to continue their efforts, in cooperation with Libyan authorities, the Office of the United Nations High Commissioner for Human Rights and all relevant entities in order to identify those responsible for such crimes and make sure that they are brought to trial, as we believe that justice is the cornerstone of peaceful and democratic societies and, thus, a fundamental element of Libya's institution-building.

Mr. Morales (Guatemala) (*spoke in Spanish*): We thank Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for introducing his third report to the Council.

We welcome the progress made in the transitional process in Libya, despite its vulnerability, and we trust that with the passage of time its progress will be consolidated and become more perceptible. We therefore trust that the upcoming elections will provide a sound basis for the reconstruction of a State that guarantees human rights, the rule of law and an end to impunity.

At the same time, we believe that it is of the greatest importance to continue our cooperation with the ICC and the Office of the Prosecutor. It is crucial that these bodies carry out their mandate with the necessary support and assistance that all States, including those that are not yet parties to the Rome Statute, must provide.

In all things, as Security Council members we must tread carefully. Our support must not turn into interference in the Court's decisions or into pressure. Guatemala is of the opinion that we must be careful in making any observation on the challenge of the Libyan Government regarding the admissibility of the case against Saif Al-Islam Al-Qadhafi. In that regard, although we appreciate the work done by the Office of the Prosecutor of the ICC in the case against that individual, we must view as positive the involvement of the Libyan authorities in the proceedings. We believe that it is a good sign that the Libyan authorities wish to demonstrate that their judicial system can meet this unique challenge.

In short, we believe that the Pre-Trial Chamber must take the decision on the challenge brought by the Government of Libya. However, whatever decision the Chamber reaches, we believe that the Office of the Prosecutor must remain informed on all steps and decisions taken in this matter.

Lastly, in regard to other crimes committed in Libya, our position is that investigations of violations of human rights and crimes against humanity in Libya must be pursued, regardless of their perpetrators. We are also concerned about the situation regarding gender crimes committed during the conflict, and we trust that the investigations of these will continue.

We also believe it essential, in order to support the rule of law in Libya, that all detention centres come under the control of the national security forces. It is unconscionable that these detention centres should remain under the control of groups not representing the Government of Libya and could be used by them as tools to violate human rights. We trust that such violations will be investigated and that the efforts to put an end to this situation will be supported. For its part, the Government of Libya must take specific actions to avoid cataloguing ethnic groups in order to violate their rights.

Mr. Loulichki (Morocco) (*spoke in Arabic*): I would like at the outset to express my deepest appreciation to Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for his comprehensive and clear briefing on developments in the implementation of resolution 1970 (2011), concerning the prosecution of crimes committed in Libya since 15 February 2011.

The Libyan Transitional National Council has repeatedly expressed its commitment to establishing a democratic State that responds to the aspirations of all

segments of the brotherly Libyan people, enforces the rule of law and justice, and guarantees the rights of all. The Transition National Council has also expressed its commitment to investigating without discrimination all violations that have affected all Libyan citizens.

In this respect, from the outset the Transitional National Council contacted the ICC and has since cooperated with it. This cooperation was extended to the United Nations Commission of Inquiry sent to Libya and to the Prosecutor of the ICC during his visit in April, when he also met with high-level officials in Libya. The Libyan authorities have also repeatedly confirmed their support for the ICC and their readiness to continue their cooperation with it in order to guarantee justice for the victims. This is correctly reflected in the most recent report of the Prosecutor.

The Libyan authorities have also reaffirmed that the national justice system in Libya is capable of providing fair trials for all the accused. These trials would respect all international standards and allow the accused the right to self-defence, while at the same time allowing the Libyan people the right to know the truth and overcome the tensions of the past. Based on the principle of complementarity as established in the Rome Statute, in this case the priority of the Libyan national judicial system is established over the jurisdiction of the ICC.

The Libyan authorities have, as reaffirmed in the report of the Prosecutor, repeatedly stated that they will not protect or allow impunity for individuals who are shown to have committed crimes against humanity, and that they are in the process of carrying out effective and real investigations and of preparing for fair trials.

Therefore, the announcement of the Libyan authorities that they have fulfilled the requirements for admissibility, pursuant to the Rome Statute, and their willingness and desire to carry out fair and just national investigations and prosecutions fulfil international standards for preventing impunity. These requirements include respect for Libyan sovereignty and the achievement of justice by the Libyan national judicial authorities in respect for international standards; the holding of fair trials of those accused of widespread violations of human rights and providing remedies for the victims and their families; addressing the accumulated suffering of the past, including violations of human rights and international humanitarian law, and establishing a comprehensive strategy to deal with all crimes and to end impunity; and encouraging transitional justice to achieve national reconciliation to overcome the suffering of the past and build a better future.

In this context, we appreciate and commend the recent adoption of a transitional justice law in Libya and the formation of a fact-finding and reconciliation commission. We express our readiness to share with our brothers in Libya the experience of the fact-finding and reconciliation commission in Morocco and to help them avoid the recurrence of human rights violations.

The brotherly Libyan people have suffered for many decades from the suppression of their basic rights to a decent life and the exploitation of their national resources. Over these decades they have shown great patience and courage, as well as hope in a new dawn of liberty and dignity and rights. We are certain that the new Libya will be able to meet the aspirations of all segments of the Libyan nation and contribute thereby to the security and stability of the entire Maghreb region.

Mr. Mashabane (South Africa): At the outset, we would like to express our sincere gratitude to Mr. Luis Moreno-Ocampo for his progress report. In the same vein, we support the work of the Office of the Prosecutor and have a deep appreciation for the efforts of the International Criminal Court (ICC) to deliver justice to the victims of atrocities committed in Libya. These efforts are in line with our commitment to the fight against impunity for serious crimes.

South Africa supported resolution 1970 (2011), referring the situation in Libya to the International Criminal Court. We did so on the basis of our long-standing commitment to the fight against impunity for serious crimes. We do not support any effort or action that creates a perception of the Court being used for political expediency or as a tool for the furtherance of political objectives. It is for that reason that we continue to call for the Council to be principled on all cases in Libya that were referred to the International Criminal Court. We are mindful of the primacy of national jurisdiction, even in the case of the Libyan situation. In this regard, we have taken note of the formal submission presented by the Libyan authorities to the ICC. We look forward to the decision of the Court and we hope that there will be cooperation with whatever decision the Court reaches.

We reiterate our call for the investigation of crimes across the board, not focused only on the pro-Qadhafi forces, since that would perpetuate the perception of a victor's justice. We remain concerned about the political and security situation in Libya. However, we commend the Libyans for the steady progress they are making in their quest to build a democratic Libya based on equality, freedom and respect for human rights.

We urge the Libyan authorities to address the situation of detainees, in particular African migrants and black Africans suspected of having supported the regime of Muammar Al-Qadhafi. Their continued arbitrary detention and reports of torture do not bode well for efforts to build a society based on respect for human rights and dignity.

Mr. Eick (Germany): At the outset, I would like to thank the Prosecutor for his briefing and for his report to the Council. We are grateful for the continued efforts exerted by both the Prosecutor and the International Criminal Court (ICC) as a whole towards the implementation of resolution 1970 (2011). We continue to attach great importance to ensuring that atrocities committed in Libya do not remain unpunished. To that end, perpetrators must be identified and brought to justice.

That this objective is shared throughout the international community is evidenced by the impressive rate of cooperation by States with ICC requests for assistance that the Prosecutor has highlighted in his report. I would like to reassure the Prosecutor of Germany's readiness to support the ongoing investigations and to comply with any request for assistance.

Please allow me to comment briefly on a number of developments highlighted by the Prosecutor in his report.

First, Germany is pleased to note that Mr. Abdullah Al-Senussi has finally been apprehended and can now be held accountable for crimes against humanity under article 7 of the Rome Statute. While we note that several requests for his rendition are pending, we call on all concerned to ensure that Mr. Al-Senussi faces comprehensive proceedings covering all crimes allegedly committed by him during his many years as one of the most notorious strongmen of the Al-Qadhafi regime.

Secondly, Germany has been closely following developments regarding the situation of Mr. Saif Al-Islam Al-Qadhafi, as well as the question of jurisdiction in his case. We commend the Court's efforts to shed light on the legal and factual circumstances of Mr. Al-Qadhafi's detention. At the same time, we retain our great concerns regarding the fact that Mr. Al-Qadhafi remains in custody in Zintan and that his transfer to custody under the full authority of the Libyan authorities is still outstanding.

The other loose end in this matter concerns the issue of jurisdiction and the correct steps to be taken by the Libyan authorities in order to enable the Court to review the relevant Libyan submissions properly. We note that the Government of Libya has now filed a formal admissibility challenge under article 19.2 of the ICC Statute. Germany is fully confident that the Pre-Trial Chamber will examine this submission in a thorough and comprehensive manner, taking into account all relevant aspects, as well as the overall objective of ensuring that the principles of justice and due process are upheld.

Thirdly, I would like to highlight the importance of ensuring transitional justice and national reconciliation in Libya. We recognize the enormous challenges faced by the National Transitional Council in this regard, and we acknowledge the efforts undertaken so far. These include, inter alia, the continuing transfer of detainees to national control, the establishment of a fact-finding and reconciliation commission following the adoption of a transitional justice law, and the preparations for a comprehensive strategy to address all crimes and end impunity in Libya.

At the same time, we share the concerns expressed by the Prosecutor in his report. This applies specifically to the slow pace of arranging the transfer of control of detainees from militias and local authorities to the national authorities, and the screening of these detainees to determine as quickly as possible who must be released and who should be the subject of criminal investigations.

As the Prosecutor has noted in his report, the United Nations Commission of Inquiry, in March 2012, recorded the occurrence of enforced disappearances and torture in centres under the control of local military councils, and the collective targeting and punishment of whole communities for their perceived

allegiance to the Al-Qadhafi regime. We thus call on all those exerting factual power in Libya to adhere to applicable human rights standards and to refrain from all acts that reflect the dark sides of Libya's past, rather than its present and future as a fully accepted member of the international community.

Finally, I would like to thank the Prosecutor for the unambiguous findings in his report regarding NATO actions in Libya. These remarks are fully in line with what is well known: that NATO did not deliberately target civilians but rather took extensive precautions to ensure that no civilians were killed. Furthermore, NATO fully cooperated with the International Commission of Inquiry on Libya and provided a significant amount of information, much of which had to be declassified, to assist the Commission in its work.

Mr. Tatham (United Kingdom of Great Britain and Northern Ireland): Let me, too, thank the Prosecutor for his report on the situation in Libya. Libya is getting back on its feet. Civil society is flourishing and the economy is restarting with the approval of a national budget and the reopening of the stock market. Registration programmes for revolutionary fighters are being rolled out. The determination and sacrifice of the Libyan people have brought the prospect of the first democratic elections in more than a generation. The international community continues to play a role supporting the political transition, providing technical assistance to meet Libya's needs.

The Transitional Government and the National Transitional Council are leading the process of building a new, peaceful and prosperous Libya. Libya's leaders have consistently made clear their commitment to upholding the rule of law and human rights as part of a peaceful Libya, the wealth of which is shared among its people. We urge the Libyan authorities to ensure that they meet those public commitments.

In that regard, we welcome their close cooperation with the Commission of Inquiry of the United Nations Human Rights Council and the progress towards bringing detention facilities under Government control. To make further progress, the Libyan authorities should continue to screen all detainees and release those who are held without due cause. They should investigate and hold to account all those guilty of abuses and press forward with the implementation of the Commission of Inquiry's recommendations.

The international community recognizes the constraints on Libyan Government action after 42 years during which Al-Qadhafi hollowed out State institutions. We stand ready to provide assistance, including through the United Nations Support Mission in Libya.

As we have said before, the developments in Libya should give all Governments reason to pause before using violence against their own people. The international community will ensure that responsible individuals within such Governments are held to account, either in their own courts or international courts such as the International Criminal Court (ICC). Impunity is no longer tolerable.

The United Kingdom is a strong supporter of the ICC. We note the detailed work of the Prosecutor and his Office during visits to Libya over the past six months and thank him and his staff. Their efforts have played an important part in challenging impunity and bringing accountability to a country where it has been sadly lacking for some time.

We welcome Libya's continued cooperation with the ICC in relation to the arrest warrant issued against Saif Al-Islam Al-Qadhafi for suspected crimes against humanity. We note that the Libyan authorities have submitted an admissibility challenge setting out the ongoing Libyan investigations into his alleged crimes. We note with interest, as set out in the Prosecutor's report, the Libyan actions taken to investigate Saif's case. He must face justice before an independent court of law.

With regard to NATO, we emphasize the demonstrable lengths that NATO went to in order minimize the risk of civilian casualties, as recognized by both the Prosecutor's report and the report (A/HRC/19/68) of the Commission of Inquiry of 8 March. All NATO airstrikes were meticulously planned, including using precision guided munitions and intelligence surveillance and reconnaissance to strike legitimate military targets. NATO cooperated fully with the Commission of Inquiry report and has looked into each credible allegation of harm against civilians that has been brought to its attention.

The authorities of the United Kingdom have played a part in the ICC's investigation so far by

providing the fullest support to the Prosecutor and his team of investigators as and when requested. We would encourage Libya's neighbours to continue to cooperate with the ICC, including with regard to Abdullah Al-Senussi, who is being held in Mauritania.

Mr. Osorio (Colombia) (*spoke in Spanish*): Allow me to begin by extending my thanks to the Prosecutor of the International Criminal Court (ICC), Mr. Louis Moreno-Ocampo, for his third report on the implementation of the relevant part of resolution 1970 (2011) and for the additional information that he has provided the Council today. I would also like to take advantage of the opportunity to commend him for his dedication and untiring work for justice.

This report is a valuable updating on the state of the prosecution and proceedings, which started by means of the Council's referral to the Court pursuant to resolution 1970 (2011). We also appreciate the information that we have received on ongoing investigations that might lead to the opening of a second case with charges of gender crimes.

My delegation believes that a fundamental aspect at this stage is the provision of the necessary cooperation with the International Criminal Court by all actors involved, in compliance with the relevant provisions of resolution 1970 (2011). The Prosecutor's third report makes encouraging references to the positive attitude taken in that regard by States, be they parties or not to the Rome Statute, and by certain international bodies, such as INTERPOL and the United Nations Commission of Inquiry.

We note specifically that, with regard to the two sets of legal proceedings for crimes of murder and persecution on political grounds — the case against Saif Al-Islam Al-Qadhafi and the one against Abdullah Al-Senussi — the Libyan Government has acted to show its resolve to cooperate with the Court. Moreover, on several occasions, it has emphasized its intention to pursue fair and impartial national investigations and proceedings that meet the admissibility requirements of the Rome Statute.

The Government of Libya has also shown special diligence in the difficult task of the preservation of evidence, which is of vital importance at the trial stage, be that for national courts or the International Criminal Court. We commend that attitude. It is also our belief that the support of the international community and the provision of cooperation are essential for the Libyan authorities to remain on the established course, which would ensure that the serious crimes committed in Libya will not go unpunished.

With regard to the case against Saif Al-Islam Al-Qadhafi, we are following with great interest the development of the admissibility challenge that has been brought before the Court, which should be decided upon soon by a chamber of the Court. It is for that chamber to decide if the Libyan authorities are indeed investigating with due process and diligence the crimes against humanity of which Saif Al-Islam Al-Qadhafi stands accused. Regardless of the decision taken by the Court, in handing down its decision the Court will be acting in compliance with the principle of complementarity, which is the backbone of the criminal justice system embodied in the Rome Statute.

Mr. Wang Min (China) (*spoke in Chinese*): I listened very attentively to the briefing by Mr. Moreno-Ocampo.

At the moment, the political transition process in Libya has entered a critical phase. We hope that the Libyan people will maintain ethnic harmony and safeguard national unity, actively respond to all challenges and achieve at an early date its social stability and political and economic reconstruction.

Parliamentary elections will be held in Libya in June. That is of great significance in furthering the Libyan political transition process. China hopes that Libya's interim Government will, in accordance with the road map for its political process and timetable, steadily push forward the preparatory work on the elections.

The international community should continue to render support and assistance to the national reconstruction efforts in Libya. China's position on the International Criminal Court (ICC) question remains unchanged. We hope that the ICC's actions in implementing the relevant resolutions will be conducive to the reconstruction efforts in Libya. The resolution should be strictly implemented.

The reports of the International Commission of Inquiry on Libya established by the Human Rights Council and those of the International Criminal Court both indicate that NATO's activities in Libya resulted in civilian casualties. China is concerned about this. The Security Council has the right and obligation to know the truth.

Mr. Briens (France) (*spoke in French*): I would like to thank Prosecutor Moreno-Ocampo for his third report and for his presentation today. I would like to make four comments.

First, France was one of the sponsors of resolution 1970 (2011), which remains an example of the Council's capacity for unity and swift action and, more generally, that of the international community. Since mid-February 2011, given the atrocities committed by Libyan leaders, the League of Arab States, the African Union and the Organization of Islamic Cooperation have condemned the acts of violence committed by the Al-Qadhafi regime. On 26 February, resolution 1970 (2011) referred the situation in Libya to the Prosecutor of the International Criminal Court (ICC). That started a process that, by showing unambiguously and without hesitation the total isolation of the criminals, whatever their rank, allowed for thousands of lives to be saved. At a time when the Syrian authorities are pursuing violence against civilian populations, often including children, the Council must reiterate its message about the primacy of the rule of law and combating impunity in all circumstances.

Secondly, with regard to the work of the International Criminal Court, following the adoption of resolution 1970 (2011), the Prosecutor carried out his inquiry in a three-month period. On 16 May 2011, he submitted three requests for arrest warrants. On 27 June, the judges issued the warrants.

The International Criminal Court thereby showed its ability to act swiftly and to exert pressure on those who organized and committed atrocities. It also enabled us to understand the machinery of the violence in Libya. In that respect, the judicial decisions are edifying: the arrest warrants for crimes against humanity describe planned, systematic attacks against civilians and the methods — forced disappearances, arbitrary detention and torture — that were used to crush all forms of opposition to Muammar Al-Qadhafi. We have noticed that, more than a year after those events, the international community sometimes tends to forget history. Sometimes people tell us that Muammar Al-Qadhafi was apparently ready to negotiate and that the price paid to put an end to his crimes was too high. But the arrest warrants and the clarity with which they expose the orders given to torment civilians are there to prevent such a rewriting of history.

Given the atrocities, the international community and the Security Council are able to turn to an impartial, independent and permanent judicial body — and therefore immediately operational — in order to identify the main perpetrators of the crimes. In the light of the Libyan example, inaction is more inexcusable than ever.

Thirdly, on the follow-up of the process, in November 2011, the Prosecutor promised us an overall accounting of his activities. We have received it and we thank him for it. Muammar Al-Qadhafi was killed and two arrest warrants remain outstanding, one against Saif Al-Islam Al-Qadhafi and the other against Abdullah Al-Senussi. The Libyan authorities have asked to try Saif Al-Islam Al-Qadhafi themselves. It is a great tribute to that post-conflict country to want to shoulder its responsibilities in that way. It is even a lesson for other countries, such as the Sudan, which has never expressed the will to itself try the three people indicted by the ICC.

We welcome the fact that the Libyan Government has chosen to submit its admissibility challenge in full line with the Rome Statute. As the Prosecutor said, the final decision on Saif Al-Islam Al-Qadhafi will be up to the ICC's judges, whose decisions must be enforced. Libya's respect for its international obligations, in particular under the terms of resolution of 1970 (2011), is a key indicator of its commitment to the rule of law.

With regard to Al-Senussi, the Court has asked for his transfer, and France and Libya have asked for his extradition. We are awaiting a response from Mauritania.

The Prosecutor has also said that he would pursue his inquiry into allegations of gender-based crimes committed in Libya by Al-Qadhafi forces. We welcome the attention paid to the dignity of victims.

With regard to persons detained by militias, the Prosecutor referred to the report of the International Commission of Inquiry on Libya (A/HRC/19/68) and noted abuses that were committed. Like him, we encourage the efforts by Libyan authorities to transfer the detainees under their control. The Prosecutor also talked about Tawarghan civilians who were the target of violence in Misrata. We welcome discussions held with the Government on preparing a global strategy to bring an end to crimes and impunity in Libya.

With regard to crimes allegedly committed by NATO, the Prosecutor's report underscored that there was neither proof nor elements suggesting that NATO command intentionally planned or committed crimes against the civilian population.

With regard to the five cases of airstrikes identified by the Commission of Inquiry as having led to civilian losses, the Libyan Prime Minister undertook, here, before the Security Council, to carry out his own inquiry. NATO has said that it would offer its full support.

The process initiated by resolution 1970 (2011) must continue. Combating impunity is essential for a country like Libya that has embarked upon the path of the rule of law. Incidentally, the Council has just reaffirmed that proposition in resolution 2040 (2012), to which the Prosecutor made reference. Pursuing that process requires both the full cooperation of Libya with the Office of the Prosecutor and the full support of the Council, the Secretariat and the United Nations Support Mission in Libya for the work of the ICC.

Mr. Menan (Togo) (*spoke in French*): First of all, I would like to thank the Prosecutor of the International Criminal Court (ICC), Mr. Luis Moreno-Ocampo, for presenting his interim report pursuant to resolution 1970 (2011).

Togo welcomes the presentation of the report, which takes stock of the actions taken, in particular regarding the arrest and trial of those suspected of having committed crimes against humanity on Libyan territory from 15 February 2011 until the supposed end of the conflict. We welcome the cooperation that has been established between the Office of the Prosecutor and the Libyan Government to that end. The meetings held from 18 to 20 April between the Office of the Prosecutor and certain Libyan authorities are a tangible expression of that cooperation, the main objective of which is to gather sufficient evidence to establish the truth with a view to defending the rights of the victims of the crimes alleged.

To that end, we note the commitment of the Libyan authorities to carry out fair and impartial investigations and prosecutions in line with international standards in cases against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. The former is still being detained in Zintan by members of the militia that arrested him, and the former is still being detained in Mauritania, where he was apprehended.

We hope that the discussions between the Libyan authorities and the Office of the Prosecutor will provide a unique opportunity for the judicious implementation of the principle of complementarity in order to ensure fair trials in those cases. Togo hopes that after the 4 June deadline, the Court will have appropriate information to rule on the admissibility challenge that has been brought before it by the Libyan authorities.

My country is still concerned by the allegations of gender-based crimes, inter alia, wide-scale rape committed even in detention centres and hospitals during the conflict. It is clear that those crimes and gross violations of human rights were not solely committed by forces loyal to Al-Qadhafi. The successive reports of the International Commission of Inquiry on Libya impute those acts to militias and revolutionary groups as well, as was underscored, once again, by High Commissioner for Human Rights Navi Pillay during her briefing to Council on 25 January (see S/PV. 6707). We hope that the Libyan authorities and the Court will shed all possible light on those violations and identify the perpetrators so that they may account for their actions and justice may be rendered to the numerous battered victims.

On 10 May, during consultations on Libya, Togo, like many other countries before it, expressed its concern regarding the existence of numerous secret detention centres run by revolutionary brigades where acts of torture are apparently being committed against detainees. That information, which was already included in the report of the Commission of Inquiry (A/HRC/19/68), must prompt the competent Libyan authorities to take urgent action to find and dismantle those illegal centres. We would once again urge the United Nations Support Mission in Libya to assist the Libyan authorities in efforts along those lines.

Togo would like to take the opportunity afforded by today's meeting to welcome the cooperation that exists between the Court and the State parties and non-State parties to the Rome Statute, as well as with international organizations and non-governmental organizations, as part of the investigations of alleged crimes. With regard to the crucial question of cooperation between the ICC and African States, we hope that the recent visit from 8 to 11 May of Ambassador Tiina Intelmann, President of the Assembly of States Parties, to Addis Ababa, where she met senior officials of the African Union, will enable a

strengthening of ties so that the shared goal of combating the impunity of the perpetrators of heinous crime can be met.

Quality cooperation between the ICC and African States will allow for ambiguities regarding the principle of complementarity to be clarified. Discussions under way in order to possibly grant criminal jurisdiction to the African Court of Human and People's Rights can only be enriched by this.

Mr. Kumar (India): At the outset, I would like to thank the Prosecutor, Mr. Luis Moreno-Ocampo, for his briefing today. We have also taken note of his third report to the Security Council pursuant to paragraph 7 of resolution 1970 (2011).

India is not a signatory to the Rome Statute, and we have stated our views on the International Criminal Court (ICC) on several occasions. I will not repeat those well-known views.

The situation in Libya has changed significantly since the Prosecutor's previous report and briefing (see S/PV.6647) to the Security Council. The Libyan people are engaged in addressing the consequences of the conflict and building new institutions to meet their democratic aspirations. Meanwhile, the proliferation of weapons has emerged as a major problem posing a threat to stability in Libya and the larger region. The international community, including the Security Council and the ICC, should fully assist the Libyan people and authorities in this process. An inclusive, broad-based political process anchored in State sovereignty is the only way to achieve national reconciliation and overcome the multitude of problems that Libya is facing in the post-conflict phase.

Under these circumstances, we expect that the ICC Prosecutor will carry out a thorough and impartial investigation into all alleged crimes by all parties to the conflict in Libya. The Prosecutor must not be influenced by non-judicial considerations and must focus his attention solely on prosecution, without diversions due to extraneous considerations. All those responsible for committing crimes covered under the Rome Statute should be held accountable, irrespective of which side of the conflict they may belong to. Political or other non-judicial considerations should not exonerate anybody from prosecution for the crimes committed.

Last but not least, it is also important to ensure that all actions by the ICC Prosecutor fall strictly within the ambit of resolution 1970 (2011), particularly paragraph 6, which concerns States that are not parties to the Rome Statute.

The President: I shall now make a statement in my capacity as the representative of Azerbaijan.

At the outset, I would like to thank Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for his briefing and for presenting his third report to the Security Council.

Azerbaijan is not a party to the Rome Statute of the International Criminal Court. Nevertheless, we proceed from the strong understanding that the protection of civilians, respect for international human rights and humanitarian law and the fight against impunity for the most serious crimes are the responsibility of the international community as a whole. Azerbaijan supports increased attention to these issues at the international level and underlines the importance of steps taken to protect civilians, vindicate rights and bring to justice those responsible for such crimes, regardless of their official status.

It is clear that the International Criminal Court's intervention in Libya at the height of the violence strengthened the people's resolve to stop crimes and ensure justice for victims. We welcome the ongoing fruitful cooperation of the ICC with the Libyan authorities and commend the Government's willingness to render all the necessary assistance to the Court in the course of its investigation.

Azerbaijan fully supports the National Transitional Council of Libya and its efforts towards restoring peace and stability in the country. We believe that, despite the challenges that Libya is facing in the complex post-conflict environment, the Government is capable of overcoming inherited problems, promoting national reconciliation and guaranteeing, within the national legal and judicial system, the effective protection and promotion of human rights and fundamental freedoms.

We note that the Government of Libya is investigating individuals for the same crimes, as well as additional ones, and for the same underlying conduct as the Office of the ICC Prosecutor. We also note that it committed to ensuring an effective and genuine investigation and fair trials consistent with the

highest international standards. We also welcome complementary efforts by the Government to address justice, including the adoption of a transitional justice law, and steps taken to address concerns expressed by the United Nations and both national and international non-governmental organizations.

Needless to say, due process for those detained must be ensured. It is therefore important that the Government managed to make progress towards extending its control over the known detention facilities across the country and over a number of detainees, and that it reiterated its commitment to close all unofficial and unacknowledged detention centres as quickly as possible and to take steps to curb maltreatment.

In conclusion, we commend the Libyan authorities for their commitment to investigate the incidents identified by the International Commission of Inquiry of the Human Rights Council. At the same time, we also look forward to the assessment by the Office of the ICC Prosecutor as to whether it should conduct its own investigation.

I now resume my functions as President of the Council.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I would like, at the outset, to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. I am confident that your wisdom will serve to steer the Council towards achieving the best possible results.

Allow me to also thank Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for his important briefing. I would like to take this opportunity to pay tribute to the efforts he and his team have made as part of the ICC's mandate to achieve justice and put an end to human rights violations and impunity. I would also like to commend his professionalism, which has helped Libyan authorities to make progress towards achieving justice and putting an end to impunity, which are the overarching goals that our authorities are striving to achieve, notwithstanding the grave challenges they face.

Furthermore, I would like to commend the intervention of the ICC in Libya at the height of the acts of suppression and murder that the Libyan people were subjected to, including its issuance of arrest warrants. Those efforts have strengthened the Libyan people's resolve to put an end to the crimes committed by the tyrant Al-Qadhafi and have served as an important step towards upholding the right to protection by combating impunity.

On 17 February 2011, the Libyan people rose up against the Al-Qadhafi regime in order to restore their rights and dignity and to achieve justice for all citizens after long decades of injustice, human rights violations and infringements of fundamental freedoms. Following the success of the revolution, Libyan authorities are aware of the importance of achieving justice and of building a new and democratic State. Moreover, they are aware of the close links among justice, human rights, national reconciliation, security and development. They therefore count justice among the top priorities and have undertaken the necessary judicial reforms, including adopting a law on the separation of powers between the executive and legislative branches, in accordance with the Constitutional Declaration and the principle of the independence of the judiciary. In addition, special courts were abolished and the judicial system was freed of corrupt judges. We can now safely say that the legal system is based on new foundations and is now ready to carry out fair and impartial trials that meet international standards.

The Libyan authorities have cooperated with the ICC and have provided it with witnesses and evidence, on the basis of which it issued arrest warrants against Muammar Al-Qadhafi, Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. Both the Libyan Government and people appreciate the significant role that the Court can play in the absence of an effective national judiciary.

Libya has not taken any negative stand with regard to the Court, at either the official or the public level. However, the status quo on the ground has changed. It is therefore incumbent upon the Libyan Government to take that into account, in particular with regard to the following.

First, Libya's national judicial system has been reformed and is now ready to conduct transparent and fair trials that meet all safeguards provided for in international law, including the provision of defence counsel and the presence of international monitors and observers. Secondly, the internal situation in Libya is highly sensitive, and there is unanimous agreement

among the Libyan people on prosecuting senior officials of the former Libyan regime. Thirdly, Libya is not a party to the Rome Statute. The primary responsibility for addressing major crimes therefore falls to the national judiciary. In accordance with the Rome Statute, the role of the ICC is only complementary to that of the national judiciary. Fourthly, the ultimate purpose of trials is to achieve justice in accordance with internationally agreed principles and standards, irrespective of the venue of the trials or of who the judges are. Fifthly, on 8 January, the Libyan Prosecutor examined the serious crimes allegedly committed by Saif Al-Islam Al-Qadhafi. Moreover, the Military Prosecutor in Libya will further investigate the charges against Abdullah Al-Senussi.

In line with the points that I have just enumerated, on 1 May, the Libyan Government issued a request to the ICC contesting its hearing of the case of Saif Al-Islam Al-Qadhafi, in accordance with paragraph 2(b) of article 19 of the Rome Statute. The request asserted that the case was inadmissible owing to the fact that the Libyan judiciary was actively investigating the case and attempting to further clarify the criminal responsibility regarding the accusations against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. The charges pertained to crimes against humanity committed through large-scale attacks on Libyan civilians, including crimes committed before and after 15 January 2011.

Such a request only serves to underscore the fact that Libya's judicial authorities are adamant that the trials should be carried out in Libya. The trial documents, as well as the defendant and witness statements, are part of Libya's history. All Libyans are therefore eager that the trials should take place in Libya. The Libyan authorities look forward to receiving further support and cooperation from the Security Council and the ICC in order to hold the trials in Libya in accordance with international standards.

In that regard, I would also point out the concern expressed by some representatives with regard to Saif Al-Islam Al-Qadhafi not having a defence lawyer. I would like to assure the Council and others that Saif Al-Islam Al-Qadhafi will have a lawyer, since Libyan law does not permit the trial of any defendant in a criminal case without the presence of one. That issue is primarily up to Saif Al-Islam Al-Qadhafi, who, to date, has refused to appoint a lawyer to defend him. The matter is therefore in the hands not of the Libyan authorities, but of the defendant himself. However, there are no impediments to employing a lawyer to defend him.

With regard to the high number of detainees suspected of having committed crimes and the difficulty of trying all cases simultaneously, the Libyan judicial authorities decided to follow the provisions of the policy paper issued by the Office of the Prosecutor of the ICC, which stipulates the following:

> "As a general rule, the Office of the Prosecutor shall focus its resources of its investigative and prosecutorial efforts and resources on those who bear the greatest responsibility, such as the leaders of the State or organization allegedly responsible for those crimes."

In the first phase the investigations and trials will focus on Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi, as well as a number of political and security leaders, for example, Baghdadi Ali Al-Mahmoudi and Al-Tuhami Khaled, given the high level of the planning, organization and instigation associated with the crimes. As for the other cases, they will be dealt with through an integrated plan for transitional justice in a manner that will ensure that justice is served, impunity ended and national reconciliation, stability and social peace established.

The Libyan judicial authorities are aware of the importance of investigating the allegations that rebel forces committed torture and crimes against detainees, and will deal with them appropriately, bearing in mind the circumstances that prevailed at the time and their responsibility to respect human rights and avoid the practices of the former regime of the tyrant Al-Qadhafi, under which crimes committed by his forces and security people were allowed to occur with impunity.

As for the allegations about crimes committed against civilians by NATO forces in Libya, the Libyan authorities are firmly convinced that the strategies employed by the NATO leaders were designed merely to protect civilians from the violence aimed at them by the tyrant Al-Qadhafi's forces. Nevertheless, preliminary investigations have shown that some mistakes were made, as a result of which some civilians were killed. These, however, were the kind of errors that happen in all wars. According to statements and accounts by our military experts, there were fewer such errors than was expected, considering that in the

last month of the revolution the tyrant Al-Qadhafi was anxious to defend his leadership strongholds, especially in civilian areas and residential communities.

In all such cases, the Libyan authorities will further investigate individual incidents, which may rely on the cooperation of the NATO member States concerned if the need arises. When the investigations are completed, the Libyan authorities will take all necessary measures, including possibly providing compensation for those harmed. Overall, the Libyan national and local authorities intend to account for all who were killed or adversely affected during the revolution in order to learn more about the circumstances of their deaths or injuries and their whereabouts, irrespective of the side they were fighting on or whether they were civilians who had nothing to do with the fighting. Ultimately, the fate of all sons and daughters of Libya is an integral part of the country's history. The authorities and civil society organizations are therefore eager to record that history accurately and to address its consequences in a way that will secure the unity of the Libyan people and encourage them to overcome the past and focus on the future.

In conclusion, I would like to affirm that the Libyan authorities continue to make progress in controlling and monitoring the detention centres. They intend to transfer authority over all the detention centres to the central Government by the end of the year, the same deadline as that for dissolving all armed forces, so that the national army and police will take over the duties that the rebels are still currently carrying out.

The President: There are no more speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1 p.m.

United Nations S/PV.6773

Security Council

Sixty-seventh year

Provisional

6773rd meeting

Thursday, 17 May 2012, 10 a.m.

New York

President:	Mr. Mehdiyev	(Azerbaijan)
Members:	China	Mr. Wang Min
	Colombia	Mr. Alza'e
	France	Mrs. Le Fraper du Hellen
	Germany	Mr. Eick
	Guatemala	Mr. Rosenthal
	India	Mr. Kumar
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Siddique
	Portugal	Mr. Vaz Patto
	Russian Federation	Mr. Zhukov
	South Africa	Mr. Sangqu
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mr. DeLaurentis

Agenda

Reports of the Secretary-General on the Sudan

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of South Sudan and the Sudan to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2012/327, which contains the text of a draft resolution submitted by the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Azerbaijan, China, Colombia, France, Germany, Guatemala, India, Morocco, Pakistan, Portugal, Russian Federation, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2047 (2012).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.10 a.m.